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THE  
**COUNCIL OF STATE DEBATES**

**VOLUME II, 1933**

*(29th August to 16th December, 1933)*

**SIXTH SESSION**

OF THE

**THIRD COUNCIL OF STATE**

**1933**



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MR. A. W. CHICK.

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*(As constituted on 29th August, 1933.)*

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THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ.

THE HONOURABLE SIR DAVID DEVADOSS, KT.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK.

} *Members.*

*(As constituted on 14th December, 1933.)*

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THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ.

THE HONOURABLE SIR DAVID DEVADOSS, KT.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD.

} *Members.*



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THE  
**COUNCIL OF STATE DEBATES**  
(OFFICIAL REPORT OF THE SIXTH SESSION OF THE THIRD COUNCIL  
OF STATE.)

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**VOLUME II—1933.**

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COUNCIL OF STATE.

*Tuesday, 29th August, 1933.*

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The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, being the first day of the Sixth Session of the Third Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Maneckji Dadabhoy, K.C.I.E., Kt., Bar-at-Law) was in the Chair.

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MEMBERS SWORN :

- His Excellency General Sir Robert Cassels, G.C.B., C.S.I., D.S.O. (Commander-in-Chief).  
The Honourable Mr. Maurice William Brayshay (Chief Commissioner of Railways).  
The Honourable Mr. John Stephen Henderson (Bengal Chamber of Commerce).  
The Honourable Mr. Pratap Chandra Dutt (Madras : Nominated Official).  
The Honourable Mr. John Rutherford Dain, C.I.E. (Bihar and Orissa : Nominated Official).  
The Honourable Mr. Thomas Cooke Samuel Jayaratnam (Government of India : Nominated Official).  
The Honourable Mr. Bertram James Glancy, C.S.I., C.I.E. (Political Secretary).
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QUESTIONS AND ANSWERS.

WORLD ECONOMIC CONFERENCE.

1. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state :

(a) If they have received an invitation to participate in the World Economic and Monetary Conference ?

(b) Whether they propose to send a delegation to London ? and

(c) Whether they propose to consult the Provincial Governments and commercial bodies with a view to send a representative delegation ?

THE HONOURABLE MR. T. A. STEWART : (a) Yes.

(b) The Honourable Member is referred to the Press communiqués, dated the 9th and the 16th June, 1933, issued by the Private Secretary to His Excellency the Viceroy, copies of which are in the Library.

(c) The Conference has already been held and adjourned. The Provincial Governments and commercial bodies were not consulted with regard to the composition of the Indian Delegation.

#### PENSIONS AND LEAVE ALLOWANCES PAID IN ENGLAND AND IN INDIA.

2. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state :

(a) The amount of pensions ? and

(b) Leave allowances that they paid in England and India either in 1930-31 or in 1931-32 to retired officials on behalf of the various provinces as well as the Government of India separately ?

THE HONOURABLE MR. J. B. TAYLOR : I would refer the Honourable Member to Accounts Nos. 72B and 72C of the Finance and Revenue Accounts for 1930-31 and 1931-32 where figures of pensions paid in England and in India on behalf of the various provinces as well as the Government of India are shown separately, and also to paragraph 4 of the explanatory notes under XXXIII and 45.—Superannuation Allowances and Pensions. Information regarding leave allowances is not similarly tabulated and the tabulation would involve labour and expense which the Government of India consider would not be commensurate with the value of the result.

#### SURVEY OF THE WHEAT POSITION IN INDIA.

3. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that Government deputed some high official to conduct a survey of the wheat position in India some time ago ?

(b) What were the findings of that official ?

(c) Will Government be pleased to publish his report ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (a), (b) and (c). No official was deputed by Government to conduct a survey of the wheat position in India. If, however, the Honourable Member is referring to the enquiry conducted in 1931 jointly by two officers, belonging to the Agricultural and Railway Departments, respectively, regarding the transport and other intermediate charges paid on Indian agricultural produce between the cultivator and the overseas markets, I may state for his information that it was calculated that in the case of wheat grown in the Punjab, railway freight to Karachi, port and municipal charges and sea freight to Liverpool amounted to Rs. 1-1-5 per maund. Government have decided not to publish the report.

DEBT OBLIGATIONS OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

4. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) What are the debt obligations of the Government of India (i) in India and (ii) in England, which mature, year after year, between now and the year 1950 ?

(b) What rates of interest do they bear ?

THE HONOURABLE MR. J. B. TAYLOR : The Honourable Member is referred to the monthly statement of the Rupee Debt of the Government of India published by the Controller of the Currency and the return of East India Loans raised in England published by the Secretary of State.

ADVANCES TO PROVINCIAL GOVERNMENTS AND RATES OF INTEREST CHARGED

5. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state what advances were given and at what rates of interest to the various Provincial Governments, year after year, from 1921, to the establishment of the Provincial Loan Fund ?

THE HONOURABLE MR. J. B. TAYLOR : The amounts advanced to the Provincial Governments from 1921-22 to the end of 1924-25 are given in the Finance and Revenue Accounts, copies of which are available in the Library of the House. The rates of interest are as follows :

1921-22.—6½ per cent. reduced to 4¾ per cent. from 1st April, 1927.

1922-23.—6½ per cent. reduced to 5½ per cent. from 1st April, 1929 in the case of Bombay and from 1st April, 1932 in the case of other provinces.

1923-24.—6 per cent.

1924-25.—5¾ per cent.

ESTABLISHMENT OF NEW SUGAR FACTORIES IN INDIA.

6. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state :

(a) How many new sugar factories were established in India and in what parts of the country (i) in 1931-32 and (ii) in 1932-33 ?

(b) How many new ones are proposed to be established in the year 1933-34 ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(a) (i) .. .. .	..	..	..	..	..	Nil
(ii) United Provinces	..	..	..	..	..	20
Bihar and Orissa	..	..	..	..	..	7

(b) According to present information 54 new sugar factories are expected to work in 1933-34 distributed approximately as follows :

United Provinces	..	..	..	..	..	21
Bihar and Orissa	..	..	..	..	..	16
Punjab	..	..	..	..	..	7
Bombay	..	..	..	..	..	6
Other areas	..	..	..	..	..	4

### GOVERNMENT SECURITIES HELD BY PROVINCIAL ACCOUNTANTS GENERAL.

7. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state the total amount of Government securities held as tax free by the Accountants General in various provinces on the 31st March, 1932 or 1933 ?

THE HONOURABLE MR. J. B. TAYLOR : Provincial Accountants General do not ordinarily hold Government securities, tax free or otherwise, as such securities are transferred to the name of the Controller of the Currency or the Deputy Controllers of the Currency, for safe custody. Except in the case of certain securities originally deposited with Accountants General in their capacity as Treasurers of Charitable Endowments, it is very difficult to ascertain which of the securities held in the Currency Department on behalf of Accountants General are tax free, and the collection of such information would involve an amount of labour which the Government of India consider would not be commensurate with the value of the result.

### IMPERIAL BANK OF INDIA.

8. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state :

(a) What branches of the Imperial Bank of India are still working at a loss ?

(b) What total profits the Bank has made, year after year, since its establishment ?

(c) What dividends it has declared ?

(d) How much money has been paid to it by Government for debt management ?

THE HONOURABLE MR. J. B. TAYLOR : (a) Government have no information.

(b) and (c). The Honourable Member is referred to the published half-yearly statements of the affairs of the Imperial Bank of India.

(d) A statement containing the information is laid on the table.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : With reference to (a), may I know if the accounts are not submitted to the Government of India by which the Government may know which branches are working at a loss ?

THE HONOURABLE MR. J. B. TAYLOR : The accounts of the Imperial Bank as a whole are submitted, but Government do not get accounts tabulated for each branch.

*Statement showing the amount paid to the Imperial Bank of India as commission for the management of the Debt of the Government of India for the twelve years from 1921 to 1932.*

(Figures in thousands of rupees.)

Year.									Amount paid.
1921	..	..	..	..	..	..	..	..	5.25
1922	..	..	..	..	..	..	..	..	5.57
1923	..	..	..	..	..	..	..	..	6.05
1924	..	..	..	..	..	..	..	..	6.33
1925	..	..	..	..	..	..	..	..	6.43
1926	..	..	..	..	..	..	..	..	6.82
1927	..	..	..	..	..	..	..	..	6.64
1928	..	..	..	..	..	..	..	..	6.79
1929	..	..	..	..	..	..	..	..	7.31
1930	..	..	..	..	..	..	..	..	7.31
1931	..	..	..	..	..	..	..	..	7.45
1932	..	..	..	..	..	..	..	..	7.70

#### DEBT PARTICULARS OF MAJOR PORT TRUSTS.

9. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : What were the total outstanding debts, both in rupee and sterling, of the Major Port Trusts on the 31st March, 1931 or 1932 ?

THE HONOURABLE MR. T. A. STEWART : A statement showing the outstanding debts of the Major Port Trusts, both rupee and sterling, on the 31st March, 1932, is laid on the table. The figures given in the statement do not take into account the amounts accumulated in the Sinking Funds maintained by the Port Trustees or Commissioners for the repayment of their loans.



Statement showing the outstanding debts of the Major Port Trusts on the 31st March, 1932.

	Bombay.	Karachi.	Aden.	Madras.	Calcutta.	Chittagong.	Rangoon.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Rupee loans, including loans taken from Governments, Ranks, etc. .. ..	17,94,76,466	2,91,89,000	10,00,000	1,21,03,161	17,94,05,421	24,25,961	5,07,65,026
Sterling loans .. ..	£2,600,000	£999,000	..	£330,000	£5,358,200	..	£500,000

POPE COMMITTEE REPORT.

10. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to lay copies of the Pope Committee Report on the table of the Members ?

(b) What recommendations have been accepted by Government and what, if any, steps have been taken to give them practical shape ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) Copies of the report submitted by Mr. Pope have been placed in the Library.

(b) I lay on the table a Memorandum giving all the available information regarding the progress of the action taken on the recommendations.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will the Government be pleased to supply these copies to all the Members of the Council for their use ?

THE HONOURABLE MR. M. W. BRAYSHAY : I will consider that ; I am not quite certain whether they have been printed in sufficient numbers.

*Memorandum on the enquiry conducted by Mr. F. A. Pope.*

*December, 1932—February, 1933.*

To ascertain whether further economies were possible on Indian Railways the Government of India obtained, by the kindness of the London Midland and Scottish Railway, the services of Mr. Pope, General Executive Assistant to the President of that Railway. Mr. Pope had been closely in touch with the various processes of rationalization put into practice in recent years on the London Midland and Scottish Railway.

In view of the shortness of Mr. Pope's visit it was decided that he should concentrate his attention on the Great Indian Peninsula Railway and inaugurate a detailed analysis of every important activity of railway operation—"job analysis"—on that line. It was arranged to associate with him certain officers of other Railways who could learn his methods and after his departure from the country return to their lines to initiate the process on those lines. The following are the officers selected for the purpose :

Mr. J. A. Bell, Divisional Superintendent, East Indian Railway.

Lieutenant-Colonel C. F. Carson, R.E., Divisional Superintendent, North Western Railway.

Mr. R. C. Case, Deputy Transportation Superintendent, Great Indian Peninsula Railway.

Mr. G. S. G. Higginson, District Transportation Officer, Bengal Nagpur Railway.

Mr. G. A. R. Trimming, Deputy Chief Mechanical Engineer, East Indian Railway.

3. Mr. Pope and these officers worked on the Great Indian Peninsula Railway during the months of January and part of February, 1933, and on 25th February presented a report to the Railway Board (copies of which are in the Library of the Legislature). In his covering letter, which is printed at pages vii and viii of the report, Mr. Pope pointed out that already a large number of economies had been effected on Indian Railways and there were no big individual economies left except the better use of locomotive power, and possible further amalgamation of railways, both of which are referred to in the report. He, however, urged that considerable savings would be found possible if a detailed analysis of every operation conducted on a railway (job analysis) were undertaken and for this purpose constant organised research and investigation was necessary.

4. In accordance with this recommendation, which is further elaborated on page iv of the report under the " Summary of conclusions and recommendations ", the officers associated with Mr. Pope have returned to their Railways and are now carrying on the investigations recommended by him. Further, officers from the Burma and the Assam Bengal Railways have been since associated with the officers engaged on " job analysis " on the East Indian and the Eastern Bengal Railways in order to learn the method and to inaugurate it on the Burma and the Assam Bengal Railways. The position at present, therefore, is that " job analysis " is now being undertaken on all the State-managed Railways and on the Bengal Nagpur and Assam Bengal Railways. Its introduction on other Company-managed Railways is under consideration.

5. The officers engaged on " job analysis " commenced their operations in March and April last and were instructed to furnish a report on the results of their investigations in six months; so, at the moment, no reports of their investigations are to hand. It must, however, be borne in mind that " job analysis ", as the expression itself implies, consists of a closely detailed examination of a large number of small processes and items and although it may be reasonably hoped that the ultimate results in the aggregate will conclusively repay the expenditure involved, it must be a matter of time before the effect of these results is felt. On the London Midland and Scottish Railway the process has been going on for some years and is still far from complete.

6. In addition to the specific recommendation that job analysis should be initiated on all Railways, there are other recommendations in the report which may be summarized as follows :

- (a) the better use of locomotives ;
- (b) the better use of railway land ;
- (c) the more careful listing of surplus track, equipment, and accommodation ;
- (d) additional research and experiments ;
- (e) improved workshop practice, especially in regard to standardization of pattern design, the use of scrap, and the compilation of " cost " data ;
- (f) possibility of reducing hot axles.

All these items are now under active investigation.

7. Finally, it was suggested in the report that economies might be gained by amalgamating Railways and this matter is under the consideration of the Railway Board.

#### TRANSFER OF THE ADMINISTRATION OF ADEN TO THE BRITISH GOVERNMENT.

11. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that Government is considering the transfer of the administration of Aden to the British Government ?

(b) Will Government be pleased to make a detailed statement on this question and give full opportunity for its consideration to the House before arriving at any decision ?

THE HONOURABLE MR. B. J. GLANCY : (a) Yes.

(b) The Honourable Member has no doubt seen the communiqué which was issued by the Government of India on the 21st June, 1933, and which gave detailed information on the subject, a copy of which I lay on the table.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will the Government be pleased to lay on the table copies of representations received in India and in Aden for the transfer of Aden before the commencement of the debate on the motion by the Leader of the House on the 31st August ?

THE HONOURABLE MR. B. J. GLANCY : I will see whether they can be printed, Sir.

*Government of India Press communiqué, dated the 21st June, 1933.*

His Majesty's Government have recently received representations from different communities among the inhabitants of Aden as well as from certain quarters in India expressing their various views in regard to transfer of the administration of Aden from the control of the Government of India to His Majesty's Government. The matter is one which is now receiving the consideration of His Majesty's Government and of the Government of India in connection with impending constitutional changes. Full opportunity will be given for discussion in the Indian Legislative Chambers at their next session and for all interests concerned to state their views. Meanwhile, His Majesty's Government think that it would be convenient that the considerations which suggest the desirability of a transfer of the administration and the conditions that would be entailed by such a transfer should be made known, so that the problem can be discussed with full knowledge of the facts. The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India; that it would not naturally fit into the new federation; that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control. If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established:

- (1) India would be relieved of the annual contribution of approximately £150,000 sterling or rupees twenty lakhs at present payable towards the military and political administration.
- (2) The right of appeal in judicial cases to the Bombay High Court would be maintained.
- (3) His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. From their own point of view abandonment of this policy would clearly, in existing economic conditions, be financially unsound since the prosperity of Aden depends largely upon its transit trade.
- (4) His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became in their opinion absolutely necessary.
- (5) A proportion of Indian Service Administrative personnel would be retained in the Aden Service for some years after the transfer took place.
- (6) No racial legislation or segregation would be permitted by His Majesty's Government.

#### CIVIL AND MILITARY EXPENDITURE OF ADEN.

12. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state as follows:

- (a) Total cost of the administration of Aden—
  - (i) Military expenditure;
  - (ii) Civil expenditure?
- (b) Total income from the administration of Aden stating amounts derived from chief heads separately?

THE HONOURABLE MR. B. J. GLANCY: (a) (i) Contribution for political and military expenditure:

	£
1930-31 .. .. .	150,000
1931-32 .. .. .	136,499
1932-33 (to March 1933—Preliminary) ..	119,959

(a) (ii) Civil expenditure (excluding interest charges and figures relating to expenditure booked in the Secretary of State and the High Commissioner's accounts regarding which information is not available at present. The latter, however, would be a comparatively trivial charge):

	Rs.
1930-31 .. .. .	12,45,500
1931-32 .. .. .	11,39,000
1932-33 (Revised estimates) .. .. .	11,01,700
1933-34 (Budget) .. .. .	11,36,300

(b) Total income (excluding Interest receipts):

	Rs.
1930-31 .. .. .	10,27,588
1931-32 .. .. .	12,04,100
1932-33 (Revised estimates) .. .. .	13,64,000
1933-34 (Budget) .. .. .	12,22,000

I lay on the table a statement showing the details of the revenue of the Administration of Aden for the years 1930-31 to 1933-34.

*Statement of revenue of the Administration for the years 1930-31 to 1933-34.*

(a) Civil Revenue (excluding Interest Receipts).

	1930-31, Actuals.	1931-32, Actuals.	1932-33, Revised Estimate.	1933-34, Budget.
	Rs.	Rs.	Rs.	Rs.
II-Taxes on Income .. .. .	3,20,500	3,58,700	5,33,000	3,95,000
III-Salt .. .. .	74,200	1,00,300	1,04,000	1,01,000
VI-Excise .. .. .	1,92,200	1,88,700	1,98,000	1,98,000
VII-Stamp .. .. .	90,600	88,800	96,000	94,000
IX-Registration .. .. .	4,100	3,300	5,000	5,000
XVII-Administration of Justice .. .. .	9,800	12,800	10,000	9,000
XVIII-Jails .. .. .	2,900	1,600	3,000	2,000
		*	†	†
XIX-Police .. .. .	68,100	1,08,600	1,70,000	1,70,000
XX-Ports and Pilotage .. .. .	13,200	18,300	18,000	14,000
XX-(i) Lighthouses and Light-ships .. .. .	1,43,700	1,27,800	1,36,000	1,40,000
XXI-Education .. .. .	2,200	2,700	3,000	3,000
XXII-Medical .. .. .	14,000	9,800	15,000	15,000
XXIII-Public Health .. .. .	33,000	14,100	1,000	1,000
XXIV-Agriculture .. .. .	2,000	2,100	2,000	3,000
XXVI-Miscellaneous Department .. .. .	2,900	4,400	2,000	2,000
XXVII-Currency .. .. .	400	300	..	..
XXX-Civil Works .. .. .	6,900	9,900	6,000	6,000
XXXIII-Receipt in aid of Superannuation .. .. .	10,200	11,600	12,000	12,000
XXXIV-Stationery and Printing .. .. .	700	1,700	1,000	1,000
XXXV-Miscellaneous .. .. .	35,900	64,600	49,000	51,000
Add.--Recoveries from His Majesty's Government .. .. .	..	† 74,000	..	..
Total .. .. .	10,27,600	12,04,100	13,64,000	12,22,000
Total Provincial .. .. .	4,29,700	5,27,100	Wholly Central.	Wholly Central.
Total Central .. .. .	5,97,900	6,77,000	..	..

\* Includes recoveries from H. M. G. for the year 1930-31 for armed police force.

† Includes contributions of £ 8,000 per annum from H. M. G. for armed police.

‡ Mainly in connection with armed police force for 1931-32.

(b) Military revenue—Nil.

**HUNGER-STRIKE OF PRISONERS IN THE ANDAMANS.**

**13. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** With reference to the Government of India's communiqué regarding the hunger-strike of the terrorist prisoners in the Andamans Jails, will Government be pleased to state :

- (a) Number of terrorist prisoners confined in the Andamans Jails ?
- (b) Names and addresses of the 39 prisoners who have started hunger-strike ?
- (c) Alleged grievances of the terrorist prisoners which forced them to start hunger-strike ?
- (d) Whether any attempt was made by the jail authorities of the Andamans Jails to redress their grievances ? If not, why not ?
- (e) Why Mahabir Singh, a prisoner of the Lahore Conspiracy Case was given forcible feeding while other terrorist hunger-strike prisoners were not forcibly fed ?
- (f) Whether the prisoner, who is said to have died of pneumonia, was given adequate medical treatment when he developed the malady ? If so, for how many days was he under medical treatment ?
- (g) Whether Government propose to hold an independent enquiry regarding the aforesaid tragedy, in the public interest, by any Government official unconnected with the Andamans Jails ? If not, why not ?
- (h) Did Government inform the relatives of the deceased prisoners when they (prisoners) started the hunger-strike and communicate to them the cause of the death of the two prisoners ? If not, why not ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) 112.

(b) Government do not propose to publish names.

(c) and (d). I would refer the Honourable Member to the communiqués relating to the hunger-strike which Government issued from time to time, copies of which I lay on the table. Since the termination of the strike the Government of India have been in communication with the Chief Commissioner, Andaman and Nicobar Islands, with a view to considering whether there were any matters in regard to which it might be reasonable to amend the rules. As a result, the Chief Commissioner, with the approval of the Government of India, has now introduced certain changes in the treatment of the prisoners. In the case of the B class prisoners the principal changes are that they will be given more newspapers and allowed more frequent interviews. The C class prisoners will, if literate, be allowed lights in their cells, will be supplied with newspapers and will also be allowed more frequent interviews.

(e) A number of other prisoners besides Mahabir Singh were fed artificially.

(f) Two prisoners died of pneumonia. Both got all possible medical care. One was ill for seven and the other for 11 days.

(g) Government do not consider any such enquiry to be necessary.

(h) The relatives were not informed when the prisoners started hunger-strike but were informed of their death. Arrangements were subsequently made that the Chief Commissioner should give information to relatives if any convict's condition was such as to give rise to anxiety.

*Communiqué, dated Simla, the 28th May, 1933.*

The Government of India have received information from the Chief Commissioner of the Andamans that on the 12th May, 1929, prisoners convicted of crimes connected with the terrorist movement went on hunger-strike in the Cellular Jail as a protest against certain alleged grievances not being redressed. They have since been joined by several others. One of these prisoners Mahabir Singh, who was convicted and sentenced to transportation for life in the Lahore Conspiracy Case, died on the 17th May. He started his hunger-strike on the 12th May. Up to the 16th his condition was satisfactory though he was weak. The Senior Medical Officer saw him on the morning of the 17th and considered that his general condition was then such that artificial feeding was necessary. Accordingly at 11 A.M. milk and sugar were given by nasal feeding. The patient resisted very violently both while the tube was being inserted and while the milk was being administered. At 1 P.M. he was showing evident signs of shock. The Senior Medical Officer saw him twice during the afternoon and evening and prescribed treatment. In spite of this he gradually sank, and death occurred soon after midnight. A post mortem examination was held and no signs were found of either external or internal injuries as a result of the operation of feeding. The patient's resistance in his weakened state caused a severe shock to his system and led to his collapse and death. The Chief Commissioner is fully satisfied that all due precautions were taken from the moment that forcible feeding was decided upon.

The Government of India also regret to announce that another prisoner named Man-krishna Nama Das, convicted of dacoity in Bengal died of pneumonia on May 26th. He started a hunger-strike on May 16th and on the 17th food was administered through his mouth without resistance. On the 19th he was admitted to hospital with lobar pneumonia. Throughout his illness he took whatever was prescribed for him and gave no trouble whatever. His death was due to natural causes and was in no way accelerated by his abstinence from food for one day.

There are at present 39 prisoners on hunger-strike. With one or two exceptions their condition is reported to be quite satisfactory.

*Press Communiqué, dated Simla, the 31st May, 1933.*

The Government of India regret to announce that another prisoner named Mohit Mohan Maitra convicted in connection with the terrorist movement in Bengal and transferred to the Cellular Jail, Andamans, died of double lobar pneumonia on the 28th May. He started hunger-strike on May 12, and on the 19th developed pneumonia, from which he died 9 days later, his vitality being impaired by the hunger-strike.

*Communiqué, dated Simla, the 7th June, 1933.*

The latest report received from the Chief Commissioner in regard to the hunger-strike which was the subject of communiqués issued on May 28 and 31 shows that there are now no cases of pneumonia and that the condition of the strikers is generally satisfactory.

The strike started among C class convicts who demanded concessions which would, if granted, have had the effect of placing these convicts approximately in the same position as those in class B. These concessions included the supply of lights in cells until 10 P.M. and of a diet which the free inhabitants of the Islands cannot obtain. Some B class convicts joined the strike mainly out of sympathy with the demands of the C class men and partly in support of demands of their own which included the supply of foreign newspapers and permission to receive money for personal expenditure.

The Government of India, with the permission of the Government of the Punjab, have asked Lieutenant-Colonel Barker, O.B.E., I.M.S., Inspector General of Prisons, Punjab, who has special experience of hunger-strikes, to proceed to the Andamans for consultation with the Chief Commissioner in regard to the medical arrangements. Lieutenant-Colonel Barker will sail from Madras on June 11.

*Communiqué, dated Simla, the 13th June, 1933.*

The following members of the Legislative Assembly, Messrs. Azhar Ali, Amar Nath Dutt, B. V. Jadhav, S. C. Jog, B. N. Misra, S. C. Mitra, Gaya Prasad Singh and K. B. Thampan met the Honourable Sir Harry Haig, Home Member, this morning and discussed with him the situation arising out of the hunger-strike of certain prisoners in the Andamans. Mr. Jadhav, in opening the discussion, referred to the apprehensions which had been caused by the information given in the Government Communiqués and expressed regret that Government had not thought fit to publish the names of the prisoners on hunger-strike which would have had the effect of relieving the anxiety of the relatives of those prisoners who are not on strike and of giving the relatives of the others an opportunity of persuading them to give up the strike. He also suggested that the deaths which had occurred might have been due to the vitality of the prisoners having been lowered by the climate of the Andamans and to defective and inadequate medical arrangements. In conclusion he stated that the Cellular Jail had been closed and the transfer to it of those prisoners had aroused suspicion in regard to the motive of Government which would best be allayed by the publication of periodic statements and the holding of an impartial enquiry.

Messrs. Mitra, Jog, Thampan and Gaya Prasad Singh also took part in the discussion. Mr. Mitra stated that he had been advised by doctors that pneumonia might result from food being given unskilfully, and, as an argument against the transfer of prisoners to a distant place like Port Blair he urged that the isolation of prison life affects the mentality of prisoners and that if relatives and public men could have had an opportunity of using their influence with the prisoners they could have persuaded them to give up the strike. Mr. Jog asked whether it would not be possible for Government to allow relatives to see the prisoners and also whether Government could not end the strike immediately by conceding their claims. He also suggested that an enquiry should be held so that the Government might benefit by the experience of the present strike and be in a position to avoid similar trouble in future. Mr. Thampan asked for a sympathetic attitude towards the prisoners and for an attempt to be made to meet their grievances. He also suggested that the names of the men on hunger-strike should be published periodically. Mr. Gaya Prasad Singh proposed that the Chief Commissioner should be asked to answer letters from persons asking whether their relatives were or were not on strike.

Sir Harry Haig after an expression of his appreciation of the feelings that had prompted the deputation to come to see him began his reply by a reference to the type of men who had resorted to hunger-strike. All are men who had been convicted of crime of violence or intended violence in connection with the terrorist movement either in Bengal or elsewhere. They were sent to the Andamans because it had been found impossible to deal with them satisfactorily in jails in their own provinces, particularly in Bengal. Local Governments had made very strong representations to the Government of India to the effect that so long as these men were kept in provincial jails there was an ever present danger of their communicating with their fellow conspirators outside and that such communications could not always be effectively stopped. There was also the danger of escape. In some cases prisoners actually had escaped and their safe custody was a constant anxiety to the local Governments. Lastly experience had shown that the attitude of the prisoners towards jail discipline and their attempts to defy the jail authorities were having a serious effect on the discipline of other prisoners. Mahabir Singh, one of the men who died, by his defiance of the authorities in the Central Jail in Bellary in September last, had instigated a riot of a serious nature which might have had very dangerous results. These were the reasons which had led the Government of India to transfer these terrorist prisoners to the Andamans. The hunger-strike had been begun as a protest against certain alleged grievances but in the opinion of the local authorities, with which the Home Member agreed, the



grievances were put forward as a means of attempting to force their will on the jail authorities and to break the discipline of the jail. Concession to the prisoners' demands would no doubt, as Mr. Jog had suggested, end the strike. But it was not difficult to realise what would happen in future, if these men thought that by going on hunger-strike they would obtain their way. In the last year Government had had on several occasions to oppose attempts by prisoners to force the jail authorities to grant demands by the threat or practice of hunger-strike. If prisoners resort to hunger-strike they cannot reasonably expect consideration to be given to any alleged grievances.

In regard to medical arrangements Sir Harry Haig after referring to the strain imposed on the local medical authorities by the hunger-strike of about 50 prisoners stated that in his opinion these authorities had coped with the difficulties of the situation very well indeed. Since, however, there seemed no prospect of the hunger-strike coming to an end quickly Government thought that it would be wise to send one of the most experienced officers in India in dealing with hunger-strikes, Lieutenant-Colonel Barker, to the Andamans to see whether he could make any suggestions for improvement. Lieutenant-Colonel Barker sailed from Madras on Sunday. There had been a few cases of influenza among the prisoners on hunger-strike but the latest reports showed that there were now only two cases and both were doing well while the general condition of the other hunger-strikers was good.

Dealing with the suggestion that the prisoners who died must have been in weak health when they started the hunger-strike, Sir Harry Haig stated that, owing to a complaint about the quality of the food, the Chief Commissioner had had all the prisoners weighed towards the end of April and had found that their weights compared favourably with their weights on the dates of admission and that there was no substance in the suggestion that the diet was inadequate. Of the three prisoners who died the weights of two at the end of April were greater than their weights on admission and the weight of the third had decreased by less than 5 per cent. The death of Mahabir Singh was no doubt due to his being on hunger-strike and resulted from the effects of his violent resistance to artificial feeding on his weakened constitution. Of the two men who died of pneumonia the first died from purely natural causes which had nothing to do with the hunger-strike. The man did not resist feeding. Medical opinion was, that he must have been already infected with the pneumonia microbe and actually in the incubation state of the disease when he went on hunger-strike. The other man who died from pneumonia did resist feeding but there was reason to suppose that he too was in the incubation stage of the disease when he went on hunger-strike and that the disease was unconnected with the artificial feeding. The Director General, Indian Medical Service, had examined the case-sheets of both these prisoners and was satisfied that the medical authorities had done everything possible to save their lives.

In regard to the question of communication with relatives, Sir Harry Haig stated that the Government of India considered it was undesirable to publish the names of the hunger-strikers because it helped to advertise the strike and possibly to confirm the prisoners in their attitude, while the object of Government was to bring the strike to an end as soon as possible. He appealed to the members of the deputation, whose desire it was that the prisoners should not continue their hunger-strike, to refrain from saying anything which would lead the prisoner to suppose that by continuing the hunger-strike they would secure their aims. The Government of India fully appreciated the anxiety of relatives and were prepared to do what they could to allay this. At present there is no need for anxiety in regard to any of the prisoners as the latest report is that the condition of all is good. Government will, however, be prepared to consider the possibility of sending information to the relatives of any prisoner whose condition in the future may give rise for anxiety. In concluding Sir Harry Haig pointed out that Mr. Jadhav was wrong in thinking that the Cellular Jail had ever been closed. It was, in fact, kept open in accordance with the recommendation of the Jails Committee.

*Communiqué, dated Simla, the 17th June, 1933.*

In the course of the discussion on the 13th June between the Home Member and certain Members of the Legislative Assembly regarding the hunger-strike in the Andamans, it was suggested that in the event of the condition of any prisoner who is on hunger-strike giving

cause for anxiety, steps should be taken at once to inform the relatives by telegram. It has accordingly been arranged that in such an event, the Chief Commissioner will take the necessary steps to have the prisoners' relatives informed by telegram. At the present moment there is no case which is giving cause for anxiety.

It is announced that influenza cases referred to in the last communiqué are continuing to do well. Lieutenant-Colonel Barker has arrived in the Andamans.

*Communiqué, dated Simla, the 19th June, 1933.*

In the course of the discussion between the Home Member and certain Members of the Legislative Assembly on June 13th the question was raised whether communications from relatives and others to prisoners on hunger-strike in the Andamans urging them to give up the strike would be delivered. It has been ascertained from the Chief Commissioner that communication sent with this object not only from relatives but from other persons which are expressed in plain and unequivocal language will be delivered.

*Communiqué, dated Simla, the 20th June, 1933.*

A message issued by the Free Press from Bombay on June 17th states that the condition of eight prisoners who are on hunger-strike in the Andamans is extremely serious. This statement is incorrect. In a communiqué, dated the 17th June, the Government of India stated that at that time there was no case which was giving cause for anxiety. On the 18th June a telegram was received from the Chief Commissioner reporting that one prisoner was suffering from post influenza congestion of lungs, and that his condition caused slight anxiety though he was not at present dangerously ill. The Chief Commissioner communicated this information to his relatives in accordance with the procedure recently announced. In a telegram, dated the 19th June, the Chief Commissioner has reported that the condition of this prisoner is slowly improving. There is no other prisoner whose condition gives cause at present for anxiety.

*Communiqué, dated Simla, the 27th June, 1933.*

The Government of India have received news from the Chief Commissioner, Andaman and Nicobar Islands, that the hunger-strike was abandoned by all prisoners on June 26th.

#### TRANSFER OF TERRORIST PRISONERS TO THE ANDAMANS.

14. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Do Government propose to stop henceforward sending political prisoners to the Andamans Jails? If not, why not?

THE HONOURABLE MR. H. G. HALLETT: Government see no reason to change their policy in regard to the transfer of prisoners connected with terrorist crime to the Andamans.

#### COMPETITION BY JAPANESE SHIPPING COMPANIES IN THE INDIAN COASTAL TRADE.

15. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: (a) Are Government aware of the fact that the Japanese shipping companies operating in Indian waters have cut down their rates and are using other methods of competition inflicting heavy losses on the Indian shipping companies?

(b) Do Government propose to take any measures to protect the Indian shipping companies from the competition of the Japanese companies? If so, the nature of the measures?

(c) Have Government taken into consideration the recommendations of the Indian Mercantile Marine Committee? If so, do Government propose to introduce legislation on the lines suggested by the Mercantile Marine Committee? If not, why not?

**THE HONOURABLE MR. T. A. STEWART :** (a) The Government of India have received representations from shipping interests in India regarding Japanese competition in the Indian coastal trade.

(b) The question is receiving the consideration of the Government of India.

(c) The Honourable Member presumably refers to the recommendation for the reservation of the coastal trade to Indian-owned ships. The attitude of the Government of India to that proposal was explained in Sir George Rainy's speeches in the Legislative Assembly when Mr. S. N. Haji's Bill on the subject was before that House. I would refer the Honourable Member to the record of those proceedings.

16.\*

**FREIGHT ON COAL DESPATCHED FROM COLLIERIES IN THE CENTRAL PROVINCES.**

**17. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** Will Government be pleased to state :

(a) If the Railway Board have received a representation from the Secretary, Ahmedabad Millowners' Association, requesting the Board not to raise the freight on coal despatched from the collieries in the Central Provinces to the different centres of India in pursuance of a representation made on the subject by the Bengal colliery-owners ?

(b) Is it a fact that if the freight is raised on coal despatched from the collieries in the Central Provinces it will cause unfair discrimination and will be unjust and unfair to the Central Provinces colliery-owners, railways and labour forces working in these collieries and will also be detrimental and penalizing to the various industries established in the different centres of India ?

(c) If the answer to part (a) is in the affirmative, what step do Government propose to take on the representation made by the Secretary, Ahmedabad Millowners' Association ?

**THE HONOURABLE MR. M. W. BRAYSHAY :** (a) Yes.

(b) and (c). The question of whether any alterations are called for in the freight rates on coal despatched from collieries in the Central Provinces is still under examination and no decision has yet been reached.

**BOYCOTT OF INDIAN COTTON BY THE JAPANESE COTTON SPINNERS' FEDERATION.**

**18. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** (a) Has the attention of Government been drawn to the report appearing in the press that as a measure of retaliation against the import duties on cotton piece-goods imposed by the Government of India, the Japanese Cotton Spinners' Federation have decided to boycott Indian cotton ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what measures they propose to take to help the cotton-growers of

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\* Question not put by the Honourable Mr. Vinayak Vithal Kalikar.

India if the threat of the Japanese Cotton Spinners' Federation is carried out ?

THE HONOURABLE MR. T. A. STEWART : (a) Yes, Sir.

(b) It is not yet possible to estimate the extent, if any, to which the Indian cotton trade has been affected. The situation, however, is being watched.

SILVER.

19. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (1) Will Government be pleased to state if Britain has paid its War debt from India's silver reserve ?

(2) If so, was any responsible authority in India consulted about this matter before the decision was taken ?

(3) Will India get the full or even partial benefit of the rate offered by the United States ?

(4) At what price did Britain acquire silver from India ?

(5) Was it acquired at the market rate or below the market rate ?

(6) Has Britain made any profit out of the transaction and, if so, how much ?

(7) How have the proceeds of the sale of the silver been invested ?

(8) Has Britain paid the price in gold or has India only got securities in lieu of its silver ?

(9) Was the opinion of the Standing Finance Committee taken on the transaction ?

(10) Will Government be pleased to bring this matter before the two Legislatures to ascertain the opinion of the public ?

THE HONOURABLE MR. J. B. TAYLOR : (1) His Majesty's Government made a small token payment on account of the War debt in this way to the Government of the United States.

(2) Yes.

(3) and (4). 20 million ounces of silver were sold to His Majesty's Government on the basis of 20-7/16d. per standard ounce, delivery in London. As the silver was shipped to the United States of America without going through London, the charges for transport will be subject to a deduction equivalent to the amount which would have been paid by the Government of India if the silver had been shipped to London.

(5) Appreciably above the market rate at the time.

(6) This is a matter of opinion.

(7) and (8). In sterling securities.

(9) and (10). No.

**INCONVENIENCE CAUSED TO PASSENGERS DUE TO MISCONNECTION BETWEEN 47-UP PASSENGER AND 71-UP EXPRESS TRAINS AT KIUL JUNCTION.**

**20. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :** Are Government aware that owing to lack of connection between 47-Up Sahibganj-Gaya Passenger and 71-Up Punjab Express, great inconvenience and discomfort is felt by passengers by the former train who happen to be travelling to Patna or further up? Do they propose to remove this grievance of the travellers concerned by so changing the timing of the 47-Up Passenger as to enable them to avail themselves of the 71-Up Punjab Express at Kiul Junction?

**THE HONOURABLE MR. M. W. BRAYSHAY :** The inconvenience caused to passengers due to misconnection between 47-Up and 71-Up trains at Kiul is realised. This cannot, however, be avoided as the earlier running of 47-Up by about two and a half hours which would be necessary to form the connection referred to would result in :

- (i) a departure from Bhagalpur at about 15-00 hours instead of 17-25 hours which would be too early for the local traffic from Bhagalpur, particularly for passengers returning from courts ;
- (ii) a departure from Kiul at about 18-50 hours instead of 21-40 hours and a consequent misconnection with 12-Down Express at that station. This connection is important also for traffic from North Bihar to Gaya *via* Mokameh Ghat where the latter train has a very suitable connection with the Bengal and North-Western Railway steamer.

**STOPPAGE OF 42-DOWN EXPRESS TRAIN AT KAJRA AND ABHAIPUR.**

**21. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :** Do Government propose to arrange for the stoppage for a few minutes of 42-Down Mokameh Junction-Howrah Express *via* Sahibganj Loop at Kajra and Abhaipur in view of the importance of these places as centres of trade (in grains and in slates) and agricultural operations?

**THE HONOURABLE MR. M. W. BRAYSHAY :** No : the Railway Administration report that the traffic offering at Abhaipur and Kajra does not warrant the stoppage of express trains at these stations.

**COMPETITION BETWEEN MOTOR AND RAILWAY TRAFFIC.**

**22. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :** Is it a fact that due to the competition between motor and railway traffic and transports, the Railways are sustaining losses? If so, what do Government propose to do to meet the situation?

**THE HONOURABLE MR. M. W. BRAYSHAY :** The reply to the first part of the question is in the affirmative.

As regards the second, I cannot enumerate here all the methods adopted by Railways to regain the lost traffic. Some of the most important are : reduction of fares between competitive points, issue of cheap return tickets, introduction of more convenient services, and so on.

My Honourable friend is no doubt aware that the Government of India are considering in consultation with Provincial Governments the measures that might be taken to co-ordinate the activities of Railways and road vehicles.

**FORTNIGHTLY RETURN TICKETS ON THE EAST INDIAN RAILWAY.**

**23. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :** Do Government propose to issue fortnightly return tickets for all classes of passengers by the East Indian Railway at reduced rates ?

**THE HONOURABLE MR. M. W. BRAYSHAY :** Ordinary return tickets are already issued generally to 1st, 2nd and Inter class passengers and week-end return tickets to 3rd class passengers. On certain sections 3rd class ordinary return tickets are also issued to meet bus competition. It is not proposed to issue fortnightly return tickets generally on the East Indian Railway.

**NUMBER OF DEATHS AMONG PRISONERS IN THE ANDAMANS IN MAY, 1933.**

**\*24. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state the number of deaths among the prisoners, both political and ordinary, in the Andamans Cellular Jails during the month of May last ?

**THE HONOURABLE MR. M. G. HALLETT :** There were four deaths in the Andamans Cellular Jail in the month of May, 1933.

**REASONS OF HUNGER-STRIKE OF TERRORIST PRISONERS IN THE ANDAMANS.**

**25. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state :

(a) Reasons why the political prisoners in the Andamans resorted to hunger-strike ?

(b) Did Government do anything to persuade them to end the hunger-strike ? If so, what measures did they adopt ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) I would refer the Honourable Member to the communiqués of June 7th and 13th, 1933.

(b) I have no doubt that the jail staff did everything that they could to persuade the hunger-strikers to desist. I may mention that, as stated in the communiqué issued on the 19th June, the Chief Commissioner permitted the delivery to prisoners on hunger-strike of letters and telegrams from relatives and others urging them to give up the strike.

**COMPLAINTS FROM TERRORIST PRISONERS IN THE ANDAMANS BEFORE GOING ON HUNGER-STRIKE.**

**26. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Did Government receive any complaints from the political and ordinary prisoners in the Andamans before they went on hunger-strike ? If so, what steps did Government take to prevent them from so doing ? If Government have not done anything to redress the grievances of the prisoners, will Government be pleased to state why they have not done so ?

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\* Questions Nos. 24 to 35 were not asked as the Honourable Member was absent.

**THE HONOURABLE MR. M. G. HALLETT :** The Government of India did not receive any complaints from the prisoners before they went on hunger-strike. In regard to the measures taken since the conclusion of the strike, I would refer the Honourable Member to the reply which I have given to parts (c) and (d) of the Honourable Mr. Vinayak Vithal Kalikar's question No. 13.

#### DEATHS OF TERRORIST PRISONERS IN THE ANDAMANS.

**27. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) What was the principal cause of the deaths of Mr. Mahabir Singh of the Lahore Conspiracy Case, Man Krishna Nama Das of Mymensingh district and of Mr. Mohit Mohan Maitra of Pabna district, Bengal, all prisoners in the Andamans ?

(b) Was rectum feeding attempted in the case of all these three dead prisoners ?

(c) Will Government be pleased to state the date or dates on which these above mentioned dead prisoners began their hunger-strike ?

(d) What was the condition of their health, day by day, during the period of their fast ?

(e) Did the doctor in charge who attended them keep any chart about the health condition of these three prisoners ? If so, will Government be pleased to lay on the table the copies of the medical charts or the bed tickets of those three prisoners ?

**THE HONOURABLE MR. M. G. HALLETT :** (a), (c) and (d). Detailed information is given in the communiqués which were issued from time to time and of which copies have been laid on the table.

(b) In no case.

(e) Case-charts were maintained but Government do not propose to publish them.

#### HUNGER-STRIKE OF TERRORIST PRISONERS IN THE ANDAMANS IN JUNE, 1933.

**28. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Was there any hunger-strike among the political prisoners in the Andamans in the month of June last ? If so, will Government be pleased to state as to why the prisoners hunger struck ?

(b) Will Government be pleased to state the names of all the prisoners who went on hunger-strike in June last ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) The cause of the hunger-strike, which began in May last and continued into June, is stated in the communiqué issued on June 7th, 1933, of which a copy has been laid on the table.

(b) Government do not propose to publish the names of the prisoners.

#### DELIVERY OF MONEY ORDERS TO TERRORIST PRISONERS IN THE ANDAMANS.

**29. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Is it a fact that a money order sent by Mrs. Uttama Sundari Roy of Calcutta to her son Kali Pada Roy, a political prisoner in the Andamans has not been given to the said prisoner by the authorities at Port Blair ? If so, why has this

been done and at whose instance? How many money orders to the political prisoners have so been refused to them by the authorities, and to whom were they addressed?

THE HONOURABLE MR. M. G. HALLETT : The answer to the first part of the question is in the affirmative. The jail rules do not permit prisoners in the Andamans to keep money in their possession, and any money sent to prisoners was no doubt withheld for that reason.

SUPPLY OF NEWSPAPERS TO TERRORIST PRISONERS IN THE ANDAMANS.

30. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Are any English, Bengali, Hindi and Urdu newspapers allowed to the political prisoners in the Andamans? If so, how many and what are their names? If the answer to the first part of the question is in the negative, will Government be pleased to state why newspapers are not allowed to the political prisoners?

THE HONOURABLE MR. M. G. HALLETT : The weekly editions of the *Times of India*, the *Statesman*, the *Sanjibani* and the *Bangabasi* are supplied to the prisoners.

HEALTH OF PRISONER BIDHU BHUSAN SEN AND INTERVIEW WITH HIS BROTHER.

31. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the present condition of health of the political prisoner Mr. Bidhu Bhushan Sen at the Andamans Cellular Jail? Has his brother been allowed to go to the Andamans and visit him there?

THE HONOURABLE MR. M. G. HALLETT : The prisoner has now completely recovered. His brother was allowed to interview him on July 19th.

HUNGER-STRIKE OF CERTAIN PRISONERS IN THE ANDAMANS.

32. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Did Dr. Narayan Chandra Roy, ex-Councillor, Calcutta Corporation, Dr. Bhupal Bose, M.B., Mr. Sunirmal Sen, B.Sc., Mr. Abani Ranjan Ghose, Mr. Romesh Chandra Chatterjee and Mr. Barindra Kumar Ghose, prisoners in the Andamans, resort to hunger-strike? If so, on what grounds?

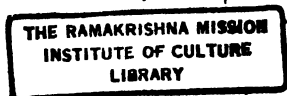
THE HONOURABLE MR. M. G. HALLETT : I would refer the Honourable Member to the reply which I have given to part (b) of his question No. 28.

NUMBER OF TERRORIST PRISONERS IN THE ANDAMANS.

33. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : How many political prisoners are there in the Andamans Cellular Jails and when were they sent to Port Blair and in how many batches? Will Government be pleased to state their number, province by province?

THE HONOURABLE MR. M. G. HALLETT : There are 112 terrorist prisoners in the Andamans Cellular Jail, who were sent in batches of varying sizes at different periods between August, 1932 and June, 1933. Government do not propose to publish the names of the prisoners. Most of them belong to Bengal.

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**SWAMI JNANANANDA'S PAMPHLET ON HUNGER-STRIKE AND DEATH OF TERRORIST PRISONERS IN THE ANDAMANS.**

**34. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Has the attention of Government been drawn to the pamphlet entitled "Hunger-strike and death of the political prisoners in the Andamans" by Swami Jnanananda and printed and published by Mr. Benoy Kumar Das Gupta from 37, Serpentine Lane, Calcutta? If so, what reply have Government given to the statements of the said Swamiji?

**THE HONOURABLE MR. M. G. HALLETT :** Government have seen the pamphlet. Their position has been made clear in the communiqués published at different dates.

**REPATRIATION OF TERRORIST PRISONERS FROM THE ANDAMANS.**

**35. The HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Is it a fact that the Indian public demand the repatriation of the political prisoners to their native land? If so, what have Government done with regard to that demand?

(b) Are Government aware that the Indian public demand an enquiry into the present state of affairs in the Andamans Cellular Jail and the condition of the political prisoners there?

(c) Are Government considering the desirability of holding an enquiry into the incidents that led to the hunger-strike of the prisoners in the Andamans? If not, why not?

(d) Are Government aware that public meetings were held almost in every part of India protesting against the re-opening of the Andamans Cellular Jail and the Penal Settlement there?

**THE HONOURABLE MR. M. G. HALLETT :** (a), (b), (c) and (d). Government are aware that public meetings have been held at which demands of this nature were put forward. They do not consider that any action is required.

**RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE AND DEPORTATION OF TERRORIST PRISONERS TO THE ANDAMANS.**

**\*36. The HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state how far they have given effect to the recommendations and suggestion of the Indian Jails Committee (1919), known as the Cardew Committee, in respect of sending prisoners to the Andamans? Is it a fact that Government are sending political prisoners to the Andamans against the recommendations of the said Committee? Can Government assign any reason for this action?

**THE HONOURABLE MR. M. G. HALLETT :** The Home Department Resolution No. F. 20/26-Jails, dated February 27th, 1926, explains the extent to which the Government of India have given effect to the recommendations of the Jails Committee in regard to the sending of prisoners to the Andamans.

Government do not agree that the transfer of the terrorist prisoners to the Andamans is at variance with the proposals of the Jails Committee.

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\*Questions Nos. 36 and 37 were asked by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

HEALTH OF KHAN ABDUL GHAFFAR KHAN, A STATE PRISONER CONFINED IN THE HAZARIBAGH JAIL, BIHAR AND ORISSA.

37. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state the present condition of health of Khan Abdul Ghaffar Khan, known as "Frontier Gandhi" ?

(b) Is it a fact that he is losing his weight in the jail ?

(c) Is any money being paid to the family of the "Frontier Gandhi" as maintenance allowance ? If so, what is that amount ?

THE HONOURABLE MR. M. G. HALLETT : (a) Khan Abdul Ghaffar Khan is in good health.

(b) No.

(c) No allowance is considered necessary.

IMPORT OF JAPANESE RICE INTO INDIA.

\*38. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is it a fact that negotiations are going on between Japan and some foreign and other merchants in India on the importation of Japanese rice into Indian and Burma markets ?

(b) If so, will Government be pleased to make a statement on the matter ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(a) and (b). No definite information is available, but reports have reached Government that endeavours are being made by certain persons to negotiate the sale of Japanese rice in India.

IMPORT OF JAPANESE RICE INTO INDIA.

39. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Has the attention of Government been drawn to the statement of the President of the Burma Indian Chamber of Commerce that appeared in the *Ananda Bazar Patrika*, a vernacular daily of Calcutta of June 28th, 1933 (dak edition) with regard to the apprehended import of Japanese rice to India and Burma ?

(b) If so, what steps have Government taken or propose to take to prevent the import of rice to India and Burma from Japan ?

(c) Are Government aware that Japan has stopped import of Indian and Burma rice ?

(d) If so, are Government contemplating any executive action against the proposed import of Japanese rice to India and Burma ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(a) Government have not seen this statement, but have received a communication direct from the Burma Indian Chamber of Commerce.

(b) and (d). The matter is under consideration.

(c) In 1928 an Ordinance was issued by the Japanese Government prohibiting the import of rice into Japan except under licence.

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\*Questions Nos. 38 to 55 were not asked as the Honourable Member was absent.

# DEPORTATION OF CERTAIN LAHORE CONSPIRACY CASE PRISONERS TO THE ANDAMANS FROM MADRAS.

40. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Is it a fact that Jayadeva Kapur, Siva Rama and Vijoy Sinha sentenced to transportation for life in connexion with the Lahore Conspiracy Case who are at present in Madras Jail are going to be sent to Port Blair ? Or have they been already sent to Port Blair ?

THE HONOURABLE MR. M. G. HALLETT : The prisoners were transferred to the Andamans on the 11th June, 1933.

## WHEREABOUTS AND HEALTH OF STATE PRISONER SURENDRA MOHAN GHOSH.

41. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to state where State prisoner Mr. Surendra Mohan Ghosh of Mymensingh district is at present ?

(b) What is the present condition of his health ?

(c) Is it a fact that he is suspected to be suffering from tuberculosis ?

(d) If so, will Government be pleased to state whether they have made proper arrangements for his treatment in any good tuberculosis hospital in India ?

(e) Will Government be pleased to lay on the table the latest health bulletin of Mr. Surendra Mohan Ghosh ?

(f) Have Government received any application from any of Mr. Ghosh's relatives praying for interview with him at the jail ?

(g) If so, has the prayer been granted by them ?

(h) Is any maintenance allowance paid to the family of Mr. Ghosh ?

(i) If not, why not ?

(j) If so, what is the amount ?

(k) Are Government aware that Mr. Ghosh has got his life insured with the Bengal Insurance and Real Property Co., Ltd., Calcutta, and that he has not been able to pay his two premia ?

(l) What provision have Government made for payment of the premia of Mr. Ghosh ?

(m) Are Government aware that his policy may lapse if the premia are not paid in time and it will then be very difficult for him to reinstate it in the present condition of his life which may not be accepted after medical examination by any insurance office ?

(n) If so, what steps have Government taken or are going to take to see that Mr. Ghose's life insurance policy may not lapse ?

THE HONOURABLE MR. M. G. HALLETT : (a) The State prisoner Surendra Mohan Ghosh is detained in the Rajahmundry Jail, Madras, at present.

(b), (c) and (e). The State prisoner has had several attacks of dysentery since 1926, with periods of improvement, but recently there has been some

deterioration in his health with occasional slight fever. He was therefore examined on the 5th July by a board of two doctors at the General Hospital, Madras. The board are of opinion that he is suffering from chronic dysentery. They did not find him to be suffering from tuberculosis.

(d) Does not arise.

(f) No.

(g) Does not arise.

(h) to (j). Yes. Rs. 30 a month.

(k) and (l). Yes. Government have paid the premia up to date.

(m) and (n). Do not arise.

ALLEGED ILL-TREATMENT OF MR. ANEY IN THE MIDNAPORE CENTRAL JAIL.

42. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Has the attention of Government been drawn to the statement of Mr. M. S. Aney, Acting President, Indian National Congress, published under the captions "Mr. Aney's Rejoinder to Sir Harry Haig", "Full of Mis-statements and Distortion", in *Advance* of Calcutta of June 10th (dak edition) regarding the treatment meted out to Mr. Aney at the Midnapore Jail after his arrest while he was going to attend the Congress session in Calcutta ?

(b) Have Government made any reply to this statement of Mr. Aney ?

(c) If so, what is it ?

(d) Will Government be pleased to state if any steps have been taken by the authorities to see that such treatment is not accorded to the political prisoners, especially to those of the type of Mr. Aney who is an ex-M. L. A. ?

THE HONOURABLE MR. M. G. HALLETT : (a) I have seen the press report.

(b) No.

(c) Does not arise.

(d) The Honourable Member presumably refers to the method of search. The search was carried out by a warder who was bound to comply with the Jail Rules that such searches should be carefully and thoroughly done. Mr. Aney himself admits that on his protest the Deputy Jailor relaxed the ordinary procedure. This part of the question does not, therefore, arise.

WORLD ECONOMIC CONFERENCE.

43. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (i) Will Government be pleased to state the names of the Indian Delegates to the World Economic Conference in London ?

(ii) What was the position of Sir Purshotamdas Thakurdas in relation to the Conference and why did he withdraw from it ?

(iii) Is the Government of India bearing the expenses of the delegates to the Conference ? If so, what is the total cost of India's Delegation to that Conference ?

(iv) Will Government be pleased to state why an Indian could not be chosen as the head of India's Delegation to the said Conference ?

(v) What were the aims and objects of the Conference and how far they have been fulfilled ?

THE HONOURABLE MR. T. A. STEWART : (i) The Honourable Member is referred to the Press communiqués, dated the 9th and the 16th June, 1933, issued by the Private Secretary to His Excellency the Viceroy, copies of which are in the Library.

(ii) Sir Purshotamdas Thakurdas was appointed as a member of the Advisory Committee which was formed to assist the Indian Delegation at the Conference. The Government of India have no official information as to his reasons for withdrawal.

(iii) The reply to the first part of the question is in the affirmative. As to the second part, the expenditure has mainly been incurred in England and I am not at present in possession of the information required.

(iv) The personnel of the Delegation was chosen after full consideration of the necessities of the situation.

(v) The World Economic and Monetary Conference was convened, according to the Draft Agenda of the Conference, to decide upon the measures to solve the economic and financial difficulties which are responsible for, and may prolong, the present world crisis. As the Honourable Member is no doubt aware, the Conference has for the present been adjourned and it is not possible at this stage to say how far these objects have been fulfilled.

#### CHAMBER OF PRINCES.

44. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state if any money is being paid to the Princes' Chamber from the revenue of the Government of India ? If so, what is the amount and why is it being paid ?

THE HONOURABLE MR. B. J. GLANCY : The average annual amount debitable to Indian revenues which is expended on the Chamber of Princes is Rs. 10,200 per annum. The reason for the expenditure is chiefly to provide for the maintenance of the building (Rs. 8,100) and also for certain minor items such as the printing of proceedings, postage, etc.

#### NUMBER OF CIVIL DISOBEDIENCE PRISONERS IN JAIL.

45. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to state the number of civil disobedience prisoners in jails, both men and women, in India, province by province, up till the temporary suspension of the civil disobedience movement ?

THE HONOURABLE MR. M. G. HALLETT : I lay a statement on the table giving the figures in my possession, namely, up to the 30th April and 31st May.

*Statement showing the number of persons undergoing imprisonment in connection with the civil disobedience movement.*

Province.	Number of convicted persons undergoing imprisonment at the end of April, 1933.			Number of convicted persons undergoing imprisonment at the end of May, 1933.		
	Men.	Women.	Total.	Men.	Women.	Total.
Madras ..	747	50	797	557	40	597
Bombay ..	2,717	215	2,932	2,250	195	2,445
Bengal ..	1,171	69	1,240	931	62	993
U. P. ..	1,966	122	2,088	1,715	94	1,809
Punjab ..	182	8	190	138	5	143
B. and O. ..	1,598	55	1,653	1,166	42	1,208
C. P. ..	110	1	111	58	..	58
Assam ..	137	13	150	120	11	131
N.-W. F. P. ..	1,661	..	1,661	1,657	..	1,657
Delhi ..	36	7	43	29	6	35
Coorg ..	62	2	64	53	2	55
Ajmer-Merwara.	19	2	21	13	..	13
Total ..	10,406	544	10,950	8,687	457	9,144

**COLLISION BETWEEN A BUS AND TRAIN AT LEVEL CROSSING NO. 31, BHADOHI STATION, EAST INDIAN RAILWAY.**

**46. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**

(a) Will Government be pleased to state the number of persons killed and seriously wounded on account of the train-bus collision at a level crossing near Benares on the East Indian Railway ?

(b) Will Government be pleased to state whether the level crossing is situated on the main line or on a branch line of the East Indian Railway ?

(c) Was the level crossing protected by any signal ? If so, were the gates of the crossings interlocked with the signal protecting the gates ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) As a result of the unfortunate accident when a motor bus collided with the Up Lahore Mail near Bhadohi station (East Indian Railway) on the 6th June, 1933, Government regret to state that 15 out of 36 passengers in the bus were killed on the spot and 16 were injured. The injured were treated in Bhadohi Hospital, where two died subsequently.

(b) Level crossing No. 31, where the collision occurred, is on the main line about 400 feet outside the up outer signal of Bhadohi station.

(c) No, it is not required by the safety regulations laid down.

#### NUMBER OF LEVEL CROSSING ACCIDENTS ON RAILWAYS.

47. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the number of level crossing disasters that took place on the Indian Railways, both State-managed and Company-managed, since 1931 to June, 1933 ?

THE HONOURABLE MR. M. W. BRAYSHAY : The total number of level crossing accidents reported to the Railway Board by various Railways from January, 1931 to June, 1933 is 48.

#### NUMBER OF LEVEL CROSSINGS ON THE KALKA-SIMLA AND DARJEELING-HIMALAYAN RAILWAYS.

48. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the number of level crossings situated on the Kalka Simla and Darjeeling-Himalayan Railways ?

THE HONOURABLE MR. M. W. BRAYSHAY : With your permission, Sir, I propose to reply to questions Nos. 48 and 52 together.

There are four level crossings on the Kalka-Simla Railway. As regards level crossings on the Darjeeling-Himalayan, East Indian and Eastern Bengal Railways, the information is not readily available and Government consider that the labour and expense involved in collecting it is incommensurate with the results that are likely to be obtained.

#### MOTOR TRAFFIC ON THE CART ROADS BETWEEN KALKA AND SIMLA AND BETWEEN SILIGURI AND DARJEELING.

49. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Are Government aware that bus services are running along the railway track between Kalka and Simla and Darjeeling-Siliguri on the Darjeeling-Himalayan Railway ?

THE HONOURABLE MR. M. W. BRAYSHAY : Government are aware that road motor services ply on the cart roads between Kalka and Simla and between Siliguri and Darjeeling. The cart road between Kalka and Simla follows a different alignment from that of the railway lines, but the Darjeeling Himalayan Railway runs for most of its length over the cart road from Siliguri to Darjeeling.

LEVEL CROSSING ACCIDENTS ON THE KALKA-SIMLA RAILWAY.

50. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state whether any disaster took place at any level crossing on the Kalka-Simla Railway ? If so, with how many casualties and on what date ?

THE HONOURABLE MR. M. W. BRAYSHAY : No disaster occurred at any level crossing on the Kalka-Simla Railway from January, 1931, to date. On 21st January, 1932 and 7th April, 1932 there were two minor accidents when a road motor in each case collided with a gate. There were no casualties.

SAFETY OF LEVEL CROSSINGS BEFORE LINES ARE DECLARED SAFE FOR PASSENGER TRAFFIC.

51. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Is it a fact that no lines are allowed to be opened for passenger service unless they are inspected and declared safe by the Government Inspector ? If so, do the Inspectors make any remark on their Inspection Report regarding the safety of the level crossings before they declare any lines safe for the passenger traffic ?

THE HONOURABLE MR. M. W. BRAYSHAY : The answer to both parts of the question is in the affirmative.

NUMBER OF MAIN LINE LEVEL CROSSINGS BETWEEN HOWRAH AND DELHI, EAST INDIAN RAILWAY, AND BETWEEN SEALDAH AND GOALUNDO AND SEALDAH AND SILIGURI ON THE EASTERN BENGAL RAILWAY.

52. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the number of level crossings on the main line of East Indian Railway between Howrah and Delhi and those on the Eastern Bengal Railway between Sealdah and Goalundo and Sealdah and Siliguri ? How many of them are protected by signals and how many of them are not ? Are the signals interlocked with the level crossing gates ?

(See reply to question No. 48.)

CONGRESS PROPERTY SEIZED UNDER THE ORDINANCES.

53. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the number, province by province, of the Congress houses, ashrams, hospitals, libraries, buildings, "khadi bhandars," etc., in India searched, banned and confiscated by Government since the Working Committee of the Congress was declared unlawful or since 1930 to May, 1933 ?

THE HONOURABLE MR. M. G. HALLETT : I lay a statement on the table giving the information in my possession.



*Statement showing buildings and other immoveable property seized under Ordinance IX of 1930, Ordinance IV of 1932 and the Special Powers Ordinance (Ordinance X of 1932).*

Province.	Number of buildings seized under		Remarks.
	Ordinance IX of 1930.	Ordinances IV and X of 1932.	
Madras .. .. .	<i>Nil</i>	27	
Bombay .. .. .	50	138	
Bengal .. .. .	47	275	
United Provinces .. .. .	<i>Nil</i>	193	
Punjab .. .. .	<i>Nil</i>	3	
Bihar and Orissa .. .. .	1	95	
Central Provinces .. .. .	<i>Nil</i>	7	Including 1 garden.
Assam .. .. .	<i>Nil</i>	20	
North-West Frontier Province .. .. .	<i>Nil</i>	1	
Dolhi .. .. .	<i>Nil</i>	4	
Coorg .. .. .	<i>Nil</i>	2	
Ajmer-Merwara .. .. .	<i>Nil</i>	5	
Total .. .. .	98	770	

#### BOYCOTT OF INDIAN COTTON BY JAPAN.

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51. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
 (a) Has the attention of Government been drawn to the statement of Mr. Senda, a prominent Japanese business man in Calcutta, that appeared in the *Statesman* of June 24th, 1933, under the captions "A Japanese View", "Cotton Boycott not an Empty Threat" with regard to the boycott of Indian cotton by Japan ?

(b) What steps do Government propose to take to prevent the threatened boycott ?

THE HONOURABLE MR. T. A. STEWART : (a) Yes, Sir.

(b) The situation is being watched carefully.

BOYCOTT OF INDIAN COTTON BY JAPAN.

55. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is it a fact that Japan has already begun boycotting Indian cotton ?

(b) Is England a buyer of Indian cotton ? If so, what is her Indian cotton consumption per year ?

(c) Will Government be pleased to state the amount of cotton exported to Japan annually from India ?

THE HONOURABLE MR. T. A. STEWART : (a) Yes, Sir.

(b) and (c). The Honourable Member is referred to the Indian Seaborne Trade Returns, copies of which are in the Library.

DISMISSAL OF THE GENERAL SECRETARY, MADRAS AND SOUTHERN MAHRATTA RAILWAY UNION, FROM RAILWAY EMPLOY.

56. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (1) Is it a fact that the Agent, Madras and Southern Mahratta Railway, has dispensed with the services of a railway employee who refused to comply with the Agent's order that no servant of a railway should accept the office of the General Secretary of the Madras and Southern Mahratta Railway Union ?

(2) Is it a fact that as a protest against the Agent's action the workmen of the Perambur Railway Workshops have refused to do any work ?

(3) If the answers to parts (1) and (2) above be in the affirmative, will Government be pleased to state on what grounds was such an order issued by the Agent ?

THE HONOURABLE MR. M. W. BRAYSHAY : (1) Yes.

(2) Government understand that on the 11th July, 1933, the men entered the workshop but that the majority of them refused to do any work.

(3) It is understood that the Agent issued the order in question owing to certain allegations against the administration published by the Union over the signature of the General Secretary.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR.

57. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Has the attention of Government been drawn to the following passage in the report of the Labour Commission :

“ We believe that a more generous policy in respect of organisation would be to the advantage of all concerned in railway works and we commend that matter to the careful consideration of Administration and Union. These bodies should also arrive at an understanding concerning the extent of facilities to be given to Union officers and members in promoting organisation ” ?

(b) What steps have the Agent and other authorities of the Railway concerned taken to give effect to the Commission's recommendations in respect of facilities to be given to the Union officers and members in promoting organisation ?

(c) Will Government be pleased to state if it has accepted the above recommendation of the Commission or not ?

(d) If the answer of the above question is in the negative will Government be pleased to state reasons for giving preference to an outsider holding such important office of the Union when capable men are available as members ?

THE HONOURABLE MR. M. W. BRAYSHAY : The recommendation of the Royal Commission on Labour referred to by the Honourable Member is at present under the consideration of the Government of India. The last part of the question is not understood.

#### PERSONNEL OF THE POPE ENQUIRY COMMITTEE.

58. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Will Government be pleased to state the personnel of the Pope Enquiry Committee on Retrenchment on the Indian Railways ?

(b) What was the remuneration per diem or mensem of Mr. Pope and what were the allowances of his associates on the Committee ?

(c) What was the total cost of the Pope Enquiry Committee ?

(d) Did the Committee take evidence from all the Indian Railway Chiefs and the Members of the Railway Board including the Commissioner and the Financial Commissioner for Railways in India ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) The following officers were associated with Mr. Pope in his investigation :

Mr. J. A. Bell, Divisional Superintendent, East Indian Railway.

Mr. R. C. Case, Deputy Transportation Superintendent, Great Indian Peninsula Railway.

Lieutenant-Colonel C. F. Carson, R.E., Divisional Superintendent, North Western Railway.

Mr. G. S. G. Higginson, District Transportation Officer, Bengal Nagpur Railway.

Mr. G. A. R. Trimming, Deputy Chief Mechanical Engineer, East Indian Railway.

(b) Mr. Pope was paid a salary of £2,000 per annum together with an allowance of Rs. 1,000 per mensem while in India and travelling expenses at Rs. 10 per day.

Mr. Pope's associates drew the pay they were in receipt of in their regular posts *plus* Rs. 10 per day travelling allowance.

(c) Exclusive of the cost of printing and contingent expenses the cost of the enquiry was roughly Rs. 35,000.

(d) No, Mr. Pope had informal discussions with the Railway Board and the Agents of the principal Railways.

RECOMMENDATIONS OF THE POPE ENQUIRY COMMITTEE.

59. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to lay on the table the gist of the findings of the Pope Enquiry Committee ?

(b) In how many Railways have the Pope Committee recommended retrenchment ?

(c) Will Government be pleased to state the names of those Railways in which recommendation has been made for retrenchment by the said Committee ?

(d) What parts of the recommendation of the Pope Committee have been given effect to ? Has there been any retrenchment in any Railway, either Company-managed or State-managed, on the recommendation of the Pope Enquiry Committee ?

(e) Will Government be pleased to state the number of hands retrenched in different Railways on the recommendation of the Pope Enquiry Committee according to their nationalities ?

THE HONOURABLE MR. M. W. BRAYSHAY : The Memorandum\* I have just laid on the table gives the information desired. No retrenchments of staff have yet been made as a result of it.

RAILWAY ACCIDENTS.

60. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state how many railway disasters in which the engines were telescoped and the trains derailed occurred in India during 1932 and up to the month of June, 1933, and the number of casualties in those disasters ?

(b) Have Government been able to ascertain the causes of those disasters ?

(c) Have Government been able to know if those were the doings of the mischief-makers or the disasters were mere accidents ?

(d) Have there been any suits for damages against the Railways either by the passengers themselves who sustained injuries in the disasters or by the relatives of the deceased passengers since 1930 up to July, 1933 ? If so, how many ? And how have those suits been disposed of ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a), (b) and (c). I assume the Honourable Member refers only to serious accidents involving loss of life or serious injury to person.

I place on the table a tabulated statement of such accidents, showing in each case the causes where known and the casualties.

(d) Government have no definite information as most of such cases are within the powers of the local Railway Administrations to settle.

\* See pages 7-8 of these debates.

*List of the more serious railway accidents which occurred in India from January, 1932 to June, 1933.*

No.	Date on which the accident occurred.	Place of the accident.	Whether engine telescoped.	Whether train derailed.	Number of casualties.	Cause.
1	24th January, 1932.	Titabar Branch Jorhat Provincial Railway.	No	4-Down mixed train derailed.	Two persons got seriously injured.	Excessive speed.
2	25th January, 1932.	Between Neora and Sadisapur, East Indian Railway.	No	Engine and 8 bogie vehicles of 31-Up Howrah-Benares Cantonment Express derailed.	Driver and one passenger injured.	Permanent way tampered with and rails partially displaced.
3	27th January, 1932.	Between Futwah and Patna City, East Indian Railway.	No	Engine and 6 leading bogies derailed (31-Up Howrah-Benares Express).	Nil	Ditto.
4	9th February, 1932.	Level crossing between Kot Kapura and Faridkot.	No	Engine with a brake van struck a motor lorry carrying 21 passengers.	Two killed and 14 seriously injured.	Negligence of gateman.
5	15th February, 1932.	Between Makrana and Naranpura, Jodhpur Railway.	No	Parting of 111-Up Goods and subsequent collision of parted portion with 101-Up Shuttle goods between Naranpura and Kuchaman Road.	Relief Guard killed and Head Guard seriously injured.	Broken coupling.
6	25th February, 1932.	Between Dhapdhapi and Baruiip, Eastern Bengal Railway.	Engine of 137-Up Passenger train collided with a motor lorry.	No	Four killed	Negligence of driver.

No.	Date on which the accident occurred.	Place of the accident.	Whether engine telescoped.	Whether train derailed.	Number of casualties.	Cause.
7	27th February, 1932.	Between Nalikul and Haripal, East Indian Railway.	No .. ..	149-Up Passenger train derailed.	One passenger and driver injured.	Not ascertained.
8	10th March, 1932	Between Sitlai and Khetur Road, Eastern Bengal Railway.	Engine of 309-Up Mixed ran into a cart.	No .. ..	One cartman and one bullock killed.	Misadventure.
9	5th April, 1932	Between Dalowali and Ranbirsinghpura, North Western Railway.	Engine of train No. 292-Down ran over a country cart.	No .. ..	Driver of cart and two bullocks killed.	Rashness of cart driver.
10	17th April, 1932	Between Monirampur and Begumpur, East Indian Railway.	A down light engine running into a motor car.	No .. ..	Four killed and two injured.	Negligence of gateman and driver.
11	24th April, 1932	Between Padali and Ghoti, Great Indian Peninsula Railway.	No. 566-Up Goods train collided with a bullock cart.	No .. ..	Two bullocks killed; one man killed and one seriously injured.	Not ascertained.
12	7th May, 1932	Between Minakshipuram and Kollangod, South Indian Railway.	Yes .. ..	Engine, brake van and six ballast trucks of a ballast train telescoped and capsized.	One fireman and one coolie killed; 12 coolies injured.	Ditto.
13	7th May, 1932	Unmanned level crossing within Dhanbad Station limits.	Dhanbad Shuttle ran into a buffalo cart.	No .. ..	Cart driver and buffalo killed.	Negligence of cart driver.
14	13th May, 1932	Between Dodjala and Devanahalli, Mysore Railways.	No .. ..	Six leading 4-wheeled wagons and bogie III (VII) of 32-Down Mixed train capsized and the next bogie derailed.	Four passengers killed and nine injured.	Failure of the running gear.

No.	Date on which the accident occurred.	Place of the accident.	Whether engine telecoped.	Whether train derailed.	Number of casualties.	Cause.
15	27th May, 1932	Level crossing gate No. 132 near Katwa, East Indian Railway.	149-Up van goods ran into a cart.	No .. ..	Cartman and bullock killed.	Negligence on the part of cartman.
16	15th June, 1932	Between Baruipur and Dhapdhapai, Eastern Bengal Railway.	596-Goods collided with a motor lorry.	No .. ..	Four injured of whom one died.	Negligence of lorry driver.
17	27th June, 1932	Between Sreepur siding and Baraboni.	Yes .. ..	Front engine and 11 wagons of the Toposi Baraboni Pilot derailed.	Driver fatally injured; seven railway servants slightly injured.	Incorrect setting of points and excessive speed.
18	10th July, 1932	Pahartali Yard, Assam Bengal Railway.	11-Up mixed ran into a motor car.	No .. ..	One nurse killed ..	Not ascertained.
19	22nd July, 1932	Level crossing between Nowshera Thana and Pir Piai, North Western Railway.	Engine of No. 4-Down Frontier Mail struck a motor lorry.	No .. ..	Three persons in the lorry killed, six injured (two subsequently died).	Negligence of the driver of the lorry.
20	1st November, 1932.	Near Lakheri, Bombay, Baroda and Central India Railway.	No .. ..	Down Tuscania boat special collided with the trolley of S. P. W. I., Kapren.	S. P. W. I. fatally injured.	Negligence of S. P. W. I., Station Master.
21	4th November, 1932.	Between Badarganj and Kholahati, Eastern Bengal Railway.	Engine of 4-Down Assam Mail ran into a bullock cart.	No .. ..	Cartman killed and another occupant died.	Cartman and cartman jointly responsible.
22	11th December, 1932.	Near Htein-in, Burma Railways.	No .. ..	No. 346-Down Goods parted and leading 18 wagons derailed and capsized.	One cattle attendant killed, two injured and four bulls killed.	Breakage of the tender drawbar.

23	28th December, 1932.	Level crossing at mile 3/11 on Bareilly Ali-garh Branch.	69-Up Passenger ran into a bullock cart.	No.	..	..	One cartman and one bullock killed.	Negligence of gatekeeper and driver of train.
24	8th January, 1933.	At Titabar, Assam Bengal Railway.	Engine of No. 30-Down Assam Mail running into a bullock cart.	No	..	..	One killed and two seriously injured.	Negligence of cartman.
25	10th January, 1933.	Between Lalguddi and Bikshandarkoil, South Indian Railway.	184-Passenger ran into a bullock cart.	No	..	..	One man killed, two seriously injured, and one bullock killed.	Negligence of cartman.
26	31st January, 1933.	Level crossing outside Sitapur Hat Station, Howrah-Amra Light Railway.	No. 51-Up mixed train ran into a bullock cart.	No.	..	..	Driver of cart and one bullock killed.	Negligence of cartman.
27	1st April, 1933	Between Tapri and Nagal stations, North Western Railway.	An up Goods-train running into a bullock cart.	No	..	..	Two persons injured and a bullock killed.	Not ascertained.
28	8th April, 1933	Between Venkatnagar and Jaithari, Bengal Nagpur Railway.	No. 69-Down Passenger train running into a bullock cart.	No	..	..	One cartman and two bullocks killed.	Negligence of cartman.
29	17th April, 1933	Between Jhakka Ladhi-ana and Jaranwala.	No. 454-Down Passenger ran into a motor lorry.	No	..	..	Two killed and 13 injured.	Not ascertained.
30	27th April, 1933	Mile 351/18 (Grand Chord).	A Down Goods ran into a bullock cart.	No	..	..	Grievous hurt to cartman.	Ditto.
31	1st May, 1933 ..	Between Doravari (Chattram and Navdupeta, Madras and Southern Mahratta Railway.	Engine of 9-Down ran over a cart.	No	..	..	Driver of cart and both bulls killed.	Ditto.
32	2nd May, 1933	Between Dumra and Burhee stations, East Indian Railway.	No .. ..	No. 2-Down derailed.	Mail	..	Five killed and 13 injured.	Track tampered with.
33	3rd June, 1933	Gomoh Station, East Indian Railway.	Engine of 8-Down Delhi Express collided with train.	No.	..	..	17 persons injured ..	Sudden attack of fainting of driver.
34	10th June, 1933	Dinaipur, Eastern Bengal Railway.	Collision between an Up stone train and 740-Down Goods train.	No	..	..	First fireman killed, second fireman grievously injured.	Not ascertained.



## ROAD-RAIL CONFERENCE.

61. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(1) Will Government be pleased to state briefly the upshot of the Rail-Road Conference that was recently held at Simla ?

(2) How many Ministers from the different provinces attended the Conference and who bore the expenses of the Ministers travelling to and from Simla ?

(3) Was there any interest of the bus service owned by Indians or Europeans in India represented in the Conference ? If not, why not ?

(4) Was any invitation extended to any bus service company that runs their bus along the road off the railway lines ? If not, why not ? If so, how many bus service companies responded to the invitations and attended the Conference ?

THE HONOURABLE MR. J. A. SHILLIDY : (1) Eight Resolutions were adopted at the Road-Rail Conference as a basis for proposals to be made to Local Governments ; these resolutions will be found at pages 153-154 of the printed proceedings of the Conference which are available in the Library of the Central Legislature.

(2) Four Ministers, *viz.*, from Bengal, the United Provinces, the Punjab and the Central Provinces attended the Conference. Their expenses were borne by the Local Governments concerned.

(3) and (4). No bus service was invited to send representatives. Government did not overlook the importance of these interests, but did not find it possible to arrange for the direct representation of the owners and operators of motor transport and, in particular, of rural buses, as they did not appear to be as yet sufficiently organised, while such organisations as existed appeared to be upon a provincial or even more local basis. It is, I think, clear that there would have been great difficulty in selecting one or other of these as fully representative for the purpose of a conference of this nature. I would, however, point out that it was and is open to such services to represent their views to Local Governments and that any representations they make will be given the fullest consideration.

RECOMMENDATIONS OF THE POPE ENQUIRY COMMITTEE AND RECRUITMENT FOR THE SUPERIOR SERVICES ON THE RAILWAYS.

62. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state if the Pope Enquiry Committee have made any recommendation for future recruitment of hands in the superior services on the Railways in India ? If so, on what lines ?

THE HONOURABLE MR. M. W. BRAYSHAY : Mr. Pope has made no recommendations on this subject.

HEALTH AND TREATMENT OF LATE STATE PRISONER J. M. SEN-GUPTA WHILE AT RANCHI.

63. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the conditions under which Mr. J. M. Sen-

Gupta was interned at Ranchi? What was the monthly allowance given to Mr. Sen-Gupta for the maintenance of his family? Is it a fact that Mr. Sen-Gupta was suffering from blood pressure? If so, was he being treated there by any eminent physician at Government expense? If not, why not?

THE HONOURABLE MR. M. G. HALLETT: Mr. J. M. Sen-Gupta, who died on the 23rd July, was allowed all possible freedom at Ranchi subject to ensuring that he did not take part in political activities. He was suffering from high blood pressure. Prior to his detention at Ranchi, he had been under treatment at the Medical College Hospital, Calcutta, for about eight months and had been examined and treated by several doctors, including his own physicians, Sir Nilotan Sircar and Dr. S. C. Sen-Gupta. At Ranchi he was placed under the care of the Civil Surgeon, Ranchi.

While detained as a State prisoner his family was given an allowance of Rs. 1,000 a month. In addition while at Ranchi the rent of the house occupied by Mr. J. M. Sen-Gupta was paid for by Government.

#### SEPARATION OF BURMA FROM INDIA.

64. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it a fact that His Majesty's Government have decided to separate Burma from India? If so, when and on what terms? Will Burma be a Crown Colony?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member's attention is invited to the Secretary of State's Memorandum to the Joint Select Committee recently published with the "Scheme of Constitutional Reform in Burma if separated from India," a copy of which has been supplied to all Members of the House. No decision to separate Burma has been taken by His Majesty's Government. The Joint Select Committee is now seized of the question, which will be taken up when the Committee reassembles after the recess.

#### SILVER.

65. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Is it a fact that Britain has made payments to America with silver acquired from India? If so, why?

(2) Are Government aware that this has seriously perturbed the minds of Indians?

(3) Will Government be pleased to lay on the table or state in detail the precise character of the transaction about this payment?

(4) Will Government be pleased to state who negotiated the deal on behalf of India? Was the Government of India ever consulted on this matter and at what stage?

(5) Is it a fact that Britain acquired silver from India at about 32.5 cents per fine ounce when the market price in India was 36.5 cents per fine ounce and that Britain sold it to America at 50 cents?

(6) What is the amount of debt cleared by Britain to America by acquiring silver from India? Is it a fact that Britain has been able to make a profit of more than one crore of rupees in this transaction at the cost of India?

**THE HONOURABLE MR. J. B. TAYLOR :** (1), (3), (4), (5) and (6). The attention of the Honourable Member is invited to the reply given to question No. 19 asked by the Honourable Rai Bahadur Mathura Prasad Mehrotra.

(2) This is a matter of opinion.

**NAMES OF FIRMS THAT SUPPLY ARTICLES TO THE INDIAN STORES DEPARTMENT.**

**66. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Will Government be pleased to state the names of the firms that supply various kinds of articles for the use of Government to the Indian Stores Department ?

(b) How many of the firms are Indian and how many British ?

(c) Are there any non-British firms other than Indian from which purchases are being made by Government ? If so, why so ?

**THE HONOURABLE MR. J. A. SHILLIDY :** (a) and (b). Full particulars of firms registered for important plant and machinery and iron and steel work are published periodically. A copy of the latest issue has been placed in the Library of the House.

As regards firms registered for other classes of stores, all the information which can be conveniently furnished is included in the annual Administration Reports of the Indian Stores Department. The attention of the Honourable Member is invited to Chapter VII of the Report for the year 1932-33 which has been recently published. Copies of the Report are available in the Library of the House.

(c) Yes. There is no restriction under the Stores Purchase Rules in the matter of purchasing stores from non-British firms, the policy of Government being to accept the lowest satisfactory tender irrespective of the nationality of the tendering firm, subject to the preference which is permitted under the preamble to the rules.

**VIEWS OF MINISTERS ON THE STATEMENT OF SIR SAMUEL HOARE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.**

**67. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state if they have ascertained the views of the Ministers of different provinces on the statement of Sir Samuel Hoare, Secretary of State for India, before the Joint Parliamentary Committee on Indian Constitutional Reforms ? If so, will Government be pleased to lay on the table the opinions of the provincial Ministers on the matter ?

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** The reply to the first part of the Honourable Member's question is in the negative. The second part does not arise.

**RESOLUTIONS PASSED BY THE Dacca PEOPLES' ASSOCIATION RELATING TO DEPORTATION OF PRISONERS CONNECTED WITH TERRORIST CRIME TO THE ANDAMANS.**

**68. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Has the attention of Government been drawn to the news item published under

the captions "Send them back to India", "Dacca Association on Andamans" in *Advance* of July 4th, 1933 (dak edition), regarding the report of an extraordinary meeting of the Dacca Peoples' Association which unanimously passed two resolutions strongly protesting against the re-opening of the Andamans as a place for confining the political prisoners and requesting Government to hold an open enquiry into the circumstances that led to the recent hunger-strike and also requesting Government to send the political prisoners back to India? If so, what action do Government intend to take on the resolutions of the above Association?

THE HONOURABLE MR. M. G. HALLETT: In reply to the first part of the question I would say that Government have seen a report of the meeting and in reply to the second part I would refer the Honourable Member to the reply which I have given to his question No. 35.

#### IMPORT OF JAPANESE RICE INTO INDIA.

69. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Will Government be pleased to state:

(a) Whether negotiations are going on between the Government of India and the Japanese Government for the import of large quantities of Japanese rice into India?

(b) Is it a fact that Japan has already placed an embargo on Indian rice in the interest of the Japanese cultivators?

(c) Is it a fact that Java has also prohibited the imports of Indian rice in the interest of the Java cultivators?

(d) If the answer to part (a) is in the affirmative, what steps do Government propose to take to safeguard the interests of the rice-growers in India?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) No.

(b) I would refer the Honourable Member to the reply given by me to part (c) of the Honourable Mr. Jagadish Chandra Banerjee's question No. 39.

(c) An Ordinance issued by the Governor General of Netherlands-India on the 20th July, 1933, prohibits the importation of rice into the customs area of Netherlands-India except under special licence.

(d) Does not arise.

#### DACCA-ARICHA RAILWAY.

\*70. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government be pleased to state:

(i) The present position with regard to the Dacca-Aricha Railway project?

(ii) The reasons for the suspension of works already undertaken?

(iii) Whether it is a fact that the construction of the railway, though finally sanctioned by the Indian Legislative Assembly and the Secretary of

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\*Questions Nos. 70 to 72 were not asked as the Honourable Member was absent.

State for India, is being delayed as a result of the agitation carried on by the I. G. N. & Railway Co., Ltd., and R. S. N. Co., Ltd. ?

(iv) Whether any report has been submitted by the Committee appointed under the orders of the Government of Bengal contained in their Local Self-Government Department Resolution No. 2127-P.H., dated the 25th July, 1929, as amended by Notification No. 2956-P.H., dated the 2nd November, 1929, to consider what measures will be necessary to safeguard the health and sanitation of the route of the proposed railway from Dacca to Aricha ?

(b) If the answer to (iv) is in the affirmative, will Government be pleased to lay on the table a copy of the said report ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) (i) and (ii). The present position is the same as stated by the Honourable Mr. J. C. B. Drake in reply to a similar question put by the Honourable Member on the 26th September, 1932.

(iii) No.

(iv) It is understood that the report of the Committee referred to has been submitted to the Government of Bengal, who are still considering it. Government have not been furnished by the Local Government with a copy of the report. I shall try to obtain a copy when it is published and place it in the Library of the House.

#### DACCA-ARICHA RAILWAY.

71. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state whether it is a fact that the Joint Steamer Companies have raised strong objections with regard to the headways of bridges and width of channels between piers which, if complied with, are calculated to so increase the cost of the Dacca-Aricha Railway scheme as to make it difficult for the Railway Administration to give effect to it ?

THE HONOURABLE MR. M. W. BRAYSHAY : It is understood that the demands of the Joint Steamer Companies with regard to the spans and headways of bridges, as well as the Railway Administrations counter proposals, were considered by the Committee appointed for the purpose, who accepted the latter. The Railway Administration had, however, found it necessary, chiefly as a result of observation of the abnormal flood of 1931, to propose a considerable increase in the original waterways and headways provided for in the abstract project estimate, which must increase the cost of the line, but whether it will so increase it as to make it no longer a paying proposition cannot be determined until detailed estimates have been prepared for which we shall have to wait till the Local Government have arrived at a decision on the Committee's recommendations.

#### DACCA-ARICHA RAILWAY.

72. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state :

(a) (i) Whether the construction of the Dacca-Aricha Railway has been postponed on the ground of financial stringency ; or (ii) on the ground of public health and sanitation ?

(b) If the delay is due to the examination of the public health question will Government be pleased to state when a final decision is likely to be arrived at by Government ?

(c) Is it a fact that the question of public health and sanitation was thoroughly examined by the Government of Bengal under Lord Ronaldshay, and discussed in the report submitted by the Railway Extension Committee appointed in 1917 ?

(d) Will Government be pleased to lay on the table a copy of the report of the said Committee ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) (i) and (ii). Financial stringency is, of course, one of the reasons for the scheme being delayed, but as I have explained in my reply to question No. 70 the Government of Bengal are still considering the report of the Committee appointed by them to report on questions connected with public health, sanitation, waterways and headways under bridges.

(b) It is understood that the Local Government hope to arrive shortly at a decision on the Committee's report, after which the question of constructing the railway will be examined by Government in all its bearings.

(c) The Committee in question was constituted in 1920 and submitted its report in 1921. Questions of public health and sanitation arising from it were considered by the Governments of Lord Ronaldshay and Lord Lytton.

(d) A copy of the Committee's report has been placed in the Library.

#### REPRESENTATION OF ASSAM ON THE JOINT SELECT COMMITTEE.

73. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :

(1) (a) How many delegates have been sent to England to consult with the Joint Select Committee ? (b) Are all provinces represented ? (c) If not, which of them are unrepresented ? (d) What is the reason for leaving any province unrepresented ? (e) What is the number of delegates province by province ?

(2) (a) Who selected the delegates ? (b) Had the Viceroy or the Government of India any hand in the selection ? (c) Did he or they recommend or suggest any names ? (d) Did he or they suggest or recommend any name from the unrepresented provinces ?

(3) Did the Governor or the Government of Assam make any representation to the Viceroy or the Government of India to secure representation of Assam ?

(4) Is the Government of India aware that the Assam Legislative Council unanimously adopted a resolution asking for two representatives from Assam ?

(5) Is the Government of India aware that the entire press in Assam strongly urged the representation of Assam ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (1), (2) and (3). Invitations to representatives from British India and the Indian States to confer with the Joint Select Committee were issued by the Committee on its own responsibility. I place on the table a copy of a communiqué,

dated the 20th. April, giving the names of those who were invited. From among them Mr. Kelkar declined the invitation on medical grounds.

(4) Yes.

(5) I am prepared to accept the Honourable Member's statement.

*Communiqué, dated the 20th April, 1933.*

The Joint Select Committee has decided to call into consultation the following representatives from Indian States and British India :

*Indian States—*

Sir Akbar Hydari,  
Sir V. T. Krishnamachari,  
Sir Manubhai Mehta,

Nawab Sir Liaquat Hayat Khan,  
Sir Mirza Mohammed Ismail.  
Sir Prabashanker Pattani, and

Mr. Y. A. Thombare.

*British India—*

His Highness the Aga Khan,  
Sir C. P. Ramaswami Ayar,  
Dr. B. R. R. Ambedkar,  
Sir Hubert Carr,  
Mr. A. H. Ghuznavi,  
Sir Henry Gidney,  
Sir Hari Sing Gour,  
Mr. Rangaswami Ayengar,  
Mr. M. R. Jayakar,  
Mr. N. M. Joshi,

Mr. N. C. Kelkar,  
Sir A. P. Patro,  
Sir Abdur Rahim,  
Sir Tej Bahadur Sapru,  
The Honourable Sir Phiroze Sethna,  
Dr. Shafaat Ahmad Khan,  
Begum Shah Nawaz,  
Sardar Buta Singh,  
Sir N. N. Sarkar,  
Sir Purshotamdas Thakurdas, and

Chaudri Zafrullah Khan.

SELECTION OF WITNESSES FROM ASSAM FOR THE JOINT SELECT COMMITTEE.

74. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :  
What is the number of witnesses selected to give evidence before the Joint Select Committee ? Who selected them ?

(a) Did the Viceroy or the Government of India send or suggest or recommend names of any witnesses ?

(b) If so, from what provinces and how many from each of them ?

(c) Have any witnesses been sent from any Association in Assam ?

(d) Have any witnesses been sent by the Government of Assam ?

(e) Who will pay the expenses of the delegates and the witnesses ?

(f) Is the Government of India aware that there was strong public demand from Assam for representation before the Joint Select Committee ?

(g) Did the Government of India do anything to meet the demand ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
The selection of witnesses to give evidence before the Joint Select Committee was made by the Committee on its own responsibility from among applications received by the Committee in reply to the invitation issued on the 13th April. No witness has been sent to give evidence before the Committee either by the Government of India or by any Provincial Government. I place on the table a copy of a communiqué, dated the 1st June, giving a list of the associations and persons invited by the Joint Select Committee to give evidence. The expenses of the delegates to confer with the Committee will be shared between His Majesty's Government and Indian revenues on the same basis as for delegates who attended the Round Table Conferences. The expenses of witnesses will

be borne entirely by the British Treasury on the scale approved and within the limits of the numbers prescribed for each Association by the Joint Select Committee.

*Communiqué, dated the 1st June, 1933.*

List of associations and persons invited by the Joint Select Committee on Indian Constitutional Reform to attend and give evidence before them. This list is provisional and may still be added to :

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Chamber of Princes,</li> <li>2. Kashmir,</li> <li>3. Kochin,</li> <li>4. Group of Southern Mahratta States,</li> <li>5. Hindu Mahasabha,</li> <li>6. All-India Varnashram Swarajya Sangha,</li> <li>7. Central Hindu Committee of Legislature,</li> <li>8. South Indian Liberal Federation,</li> <li>9. All-India Muslim Conference,</li> <li>10. { All-India Landholders Association,<br/>British Indian Association, Calcutta.<br/>Madras Landholders Association,<br/>Agra Zamindars Association,<br/>Bihar Landholders Association,<br/>Bengal Landholders Association,<br/>Talukdars of Oudh,<br/>Bombay Sardars and Inamdars.</li> <li>11. Sind Separation Conference,</li> <li>12. Sind Hindu Sabha,</li> <li>13. European Association,</li> <li>14. Associated Chambers of Commerce,<br/>Merchants Chamber of Commerce,<br/>Cawnpore,</li> <li>15. { U. P. Chamber of Commerce,<br/>Bengal Mahajan Sabha.</li> <li>16. { Indian Trades Union Federation,<br/>Bengal Trade Union Federation,</li> </ol> | <ol style="list-style-type: none"> <li>17. All-India Women's Conference, National Council of Women and Women's Indian Association,</li> <li>18. Mahila Samiti (Ladies' Association), Bengal.</li> <li>19. { Central I. C. S. Association,<br/>I. C. S. Retired Association,</li> <li>20. All-India Association of European Government Servants,</li> <li>21. Indian Police Association,</li> <li>22. Indian Officers Association (Calcutta),</li> <li>23. Indian Empire Society,</li> <li>24. British Committee for Indian Women's Franchise,</li> <li>25. Shipowners Parliamentary Committee,</li> <li>26. Manchester Chamber of Commerce,</li> <li>27. British Insurance Association,</li> <li>28. Colonel Wedgwood,</li> <li>29. Miss Rathbone,</li> <li>30. { Wing Commander James, M.P.,<br/>Dr. Hutton,</li> <li>31. Pandit Nanak Chand,</li> <li>32. Mr. Sachidananda Sinha.</li> <li>33. Field Marshal Sir Claude Jacob,</li> <li>34. Sir Francis Griffith,</li> <li>35. Sir M. O'Dwyer,</li> <li>36. Mr. Douglas Dewar,</li> <li>37. Sir Louis Stuart,</li> <li>38. The Anglo-Indian and Domiciled European Association (Sir H. Gidney delegate).</li> </ol> |
|--|---|

#### REPRESENTATION OF ASSAM AT THE JOINT SELECT COMMITTEE.

75. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : Has any arrangement been made for the representation of Assam before the Joint Select Committee ? If so, in what way ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member is referred to the replies just given by me to his questions Nos. 73 and 74.

#### FACILITIES AVAILABLE FOR HIGHER EDUCATION IN ASSAM.

76. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : (a) Is there any University in Assam ?

(b) Is there any Medical, Engineering, Agricultural or Veterinary College in Assam ?

(c) Is there any provision for post-graduate studies in Assam ?

(d) Is there any High Court or Chief Court in Assam ?

(e) Is it a fact that for facilities for higher education Assam has mainly to rely on outside help ?



THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
(a), (b) and (c). No.

(d) No. Assam is under the jurisdiction of the Calcutta High Court, except in respect of the Hill Districts and Frontier Tracts of that province.

(e) Assam has to depend, to some extent, for higher education on institutions outside the province.

#### ADMINISTRATION OF THE BACKWARD AREAS IN ASSAM.

77. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :  
Is it a fact that there are large backward areas in Assam and that they cannot pay for their upkeep ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
There are backward areas in Assam and their expenditure exceeds the revenue.

#### SEISMIC DISTURBANCES IN ASSAM.

78. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :  
(a) Is it a fact that Assam is peculiarly liable to seismic disturbances ? Is it a fact that the district of Goalpara has since July, 1930, had nearly 600 shocks and is continuing to have one almost every other day ?

(b) Has the Government of India investigated into the cause of this ? If not, has the Government of India any intention of doing so ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Yes. The total number of shocks reported to the Department of Geological Survey of India since July, 1930, is about 400. Reports of shocks are still being received at irregular intervals.

(b) Yes. The causes of these disturbances have been investigated by the Department of Geological Survey of India and the discussions have been published in the Memoirs of that Department issued from time to time. A more detailed report of the 1930 earthquake and of the subsequent minor shocks will be published by that Department in the near future. Further light on this question may possibly be thrown by the geological survey which is being carried out at present in Assam.

#### DEFICIT PROVINCES IN THE NEW CONSTITUTION.

79. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :  
(a) Is Assam a deficit province ?

(b) Is it anticipated that the new provinces of Sind and Orissa will be deficit provinces ?

(c) Is it Government's intention to make arrangements for making up the deficit of existing provinces before creating new ones with deficits ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
(a) Yes.

(b) As stated in paragraph 59 of the Introduction to the White Paper it is anticipated that the new provinces of Sind and Orissa, if created, will not be able to start as entirely self-supporting units.

(c) I have nothing to add to the expression in the same paragraph of the intentions of His Majesty's Government regarding financial assistance in the new constitution to deficit provinces.

DATE OF INTRODUCTION OF LEGISLATION IN PARLIAMENT ON THE SUBJECT OF THE NEXT CONSTITUTION.

80. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : Is Government in a position to state when the necessary legislation regarding the next constitution is likely to be introduced in Parliament and when it is likely to be passed ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Government are not in a position to make a statement in reply to this question, which relates to a matter which is entirely in the hands of His Majesty's Government and of Parliament.

APPROXIMATE TIME WHEN THE WORK OF THE JOINT SELECT COMMITTEE WILL CONCLUDE.

81. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : Is Government in a position to give an approximate idea as to when the labours of the Joint Select Committee are likely to be finished ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No.  
ASSAM BENGAL RAILWAY.

82. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : (1) Is the Assam Bengal Railway ranked among the First Class Railways of India ?

(2) What subsidies and privileges does this Railway get from the Governments of India and Assam ?

(3) How many officers are there in the superior establishments and of these how many are natives of Assam ?

(4) Are the posts therein filled in by any competitive examinations similar to those of India Government examinations held annually for filling in vacancies in the superior grade State Railway Services ?

(5) Will Government be pleased to state the total number of employees of all ranks in the Assam Bengal Railway and the number of natives of Assam out of the same ?

(6) Will Government please state how many Indian employees are there in the Assam Bengal Railway, holding offices bearing a monthly salary of Rs. 100 and upwards and of these how many belong to the province of Assam ?

(7) Will Government also state the number of natives of Assam in Loco. workshops at Pahartali, holding offices bearing a pay of Rs. 100 and upwards, and the percentage of such Assam employees ?

THE HONOURABLE MR. M. W. BRAYSHAY : (1) Yes.

(2) The Government of India have provided land free of cost and guaranteed interest at 3 per cent. on share capital. Under the contract the Company is not entitled to any subsidies and privileges from the Assam Government.

(3) The number of gazetted officers on the 1st April, 1932, was 71. Government have no information as regards the second part of the question.

(4) The Agent, Assam Bengal Railway, reports that necessary recruitment to superior services in England is made by the Home Board. The recruitment necessary in India is made either by promotion of subordinates or by selection of suitable candidates from the numerous applications received or by selection of relatives of railway employees who may be found suitable. Vacancies are not filled by competitive examination as in the case of State-managed Railways.

(5) The total number of employees on the Assam Bengal Railway on 31st March, 1932, was 16,158. Government have no information as regards the second part of the question.

(6) The number of Indian subordinates on scales of pay rising to Rs. 250 and over was 76 on 1st April, 1932. Government have no information regarding subordinates drawing a monthly salary of Rs. 100 and over nor have they any information regarding the latter part of the question.

(7) Government have no information.

#### STUDENT ENGINEERS.

83. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :

(a) Are Government aware that every year a student engineer is sent by the Assam Government to undergo practical training in the Loco. Workshops at Pahartali after having completed the theoretical course of mechanical and electrical engineering in the Bengal Engineering College, Sibpur ?

(b) Are Government aware that some of these student engineers passed the Associateship Examination in mechanical engineering from the Bengal Engineering College, which is recognised by the Government of India as a qualifying examination for appearance at the competitive examination held annually under the auspices of the Government of India to fill in vacancies in the superior grade services of the State Railways ? Is it a fact that the Associateship Diploma is also recognised by the Institution of Engineers (India) and considered by the said body as being equivalent to a graduate degree in mechanical engineering of Indian and Foreign Universities ?

(c) Are Government aware that these student engineers receive no facilities for work in Drawing and Design Office, or any administrative training ?

(d) Will Government also state whether these student engineers used to receive any remuneration during their period of training in the Assam Bengal Railway, and whether this is the practice now and, if not, why ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) The Assam Bengal Railway have agreed to give practical training to student engineers on the condition that no expense is incurred by the Railway and that the number of student engineers under training does not exceed two at any one time.

(b) The Agent, Assam Bengal Railway, reports that out of the six student engineers who have received or are still receiving practical training, four

have passed the examination in mechanical engineering from the Bengal Engineering College. Candidates possessing these qualifications are eligible for appearing at the competitive examination for Superior State Railway service in accordance with the regulations for recruitment when vacancies are advertised. Government have no information regarding the latter part of the question.

(c) Yes. Work in the Drawing and Design Office or the administrative office does not form part of their practical training.

(d) Government understand that some remuneration was allowed in such cases till recently owing to a misunderstanding but one of the conditions for their practical training is that the Railway is not put to any expense on their account and consequently no remuneration is now granted to them.

#### EMPLOYMENT OF STUDENT ENGINEERS AFTER THEIR PERIOD OF TRAINING.

84. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :

(a) Will Government please state if any student engineer sent by the Government of Assam for training in the Loco. Workshops at Pahartali has received any employment after completing the period of training and, if so, at what starting pay and in what capacity ?

(b) Are Government aware that such student engineers are offered a salary less than those possessing the B. E. degree from the Bengal Engineering College ? What steps does Government propose to take to remove such inequitable treatment ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) and (b). The employment of student engineers in provincial services, and the fixation of pay for them rests with the Local Government and the Government of India have no information on the subject.

#### EMPLOYMENT OF STUDENT ENGINEERS AFTER THEIR PERIOD OF TRAINING.

85. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :

(a) Will Government state whether student engineers are offered a chance in other Railways, viz., East Indian Railway, Bengal Nagpur Railway, Eastern Bengal Railway, Great Indian Peninsula Railway and North Western Railway and, if so, on what pay and in what capacity ?

(b) Are Government aware that the Assam Government student engineer in the Assam Bengal Railway, after having served apprenticeship, is offered the post of a workman on daily basis and has to work like ordinary workman ? Is this also the practice in other Railways ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) Student engineers are generally taken on the understanding that there is no obligation on the part of the Railway to provide employment for them ; and in the recent past at any rate, I do not think any State-managed Railway has been able to offer them any employment.

(b) No ; but the student engineer is obviously not bound to accept the employment that is offered to him. Government have no information as to whether such a practice obtains elsewhere.

PREFERENTIAL TREATMENT ACCORDED TO EUROPEANS, ETC., WITH LESSER ACADEMICAL QUALIFICATIONS THAN STUDENT ENGINEERS.

86. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : Are Government aware that European, Anglo-Indian and Indian Christians with lesser academical qualifications and experience are taken into the permanent staff of the Loco. Department of the Assam Bengal Railway and no such prospect is offered to the Assam scholars sent up by the Local Government.

THE HONOURABLE MR. M. W. BRAYSHAY : The Agent reports that staff are selected for their technical experience and not academical qualifications.

NUMBER OF APPOINTMENTS MADE IN THE LOCO. DEPARTMENT OF THE ASSAM BENGAL RAILWAY AND COMMUNAL REPRESENTATION THEREIN.

87. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT : Will Government be pleased to state how many new appointments were made or vacancies filled in during the last seven years in posts, carrying a salary of Rs. 100 and upwards, in the Loco. Department of the Assam Bengal Railway and of these how many are Europeans, Anglo-Indians, Indians and natives of Assam. Were student engineers from Assam offered any chance or were their cases considered when these vacancies were filled in or new appointments made and, if not, why ?

THE HONOURABLE MR. M. W. BRAYSHAY : A statement showing the information asked for is laid on the table. The Agent, Assam Bengal Railway, reports that as most of the appointments made are specialised ones, no student engineer after two years' experience would be suitable for the posts.

*Statement showing new appointments made and vacancies filled during the last seven years in posts carrying salaries of Rs. 100 per mensem and over.*

Designation.	Euro- pean.	Anglo- Indian.	Indians.	Natives of Assam.
1926—				
Power house foreman .. ..	1	..	..	..
Train lighting foreman .. ..	1	..	..	..
Foundry foreman .. ..	1	..	..	..
Blacksmith foreman .. ..	1	..	..	..
Assistant machine foreman .. ..	1	..	..	..
Locomotive drivers .. ..	..	7	..	..
Watch and ward inspector .. ..	..	..	1	..

Designation.	Euro- pean.	Anglo- Indian.	Indians.	Natives of Assam.
1927—				
Assistant electrical engineer .. ..	..	..	1	..
Locomotive drivers .. ..	3	2	..	..
Boiler shop foreman .. ..	1	..	..	..
Carriage and wagon foreman .. ..	1	..	..	..
Assistant electrical foreman .. ..	..	1	..	..
Night shedman foreman .. ..	..	1	..	..
1928—				
Assistant locomotive superintendent ..	1	..	1	..
Locomotive drivers .. ..	1	3	..	..
Night shedman .. ..	..	1	..	..
Tool-shop foreman .. ..	1	..	..	..
Assistant locomotive foreman .. ..	..	1	..	..
Boiler room chargeman .. ..	..	1	..	..
1929—				
Power house foreman .. ..	1	..	..	..
Locomotive drivers .. ..	..	4	..	..
1930—				
Foundry foreman .. ..	1	..	..	..
Boiler inspector .. ..	1	..	..	..
1931—				
Assistant locomotive superintendent ..	1	..	..	..
Assistant locomotive foreman .. ..	..	1	..	..
1932—				
Assistant locomotive superintendent ..	..	..	1	..
Proby. assistant locomotive superintendent ..	..	..	1	..
Locomotive foreman .. ..	..	1	..	..
1933—				
Wagon ferry foreman .. ..	..	1	..	..
	17	24	5	Nil
				Total = 46.

**FINANCIAL ASSISTANCE FROM THE GOVERNMENT OF ASSAM TO THE ASSAM BENGAL RAILWAY.**

**88. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :** Will Government be pleased to state the total financial contribution received from the Local Government by the Assam Bengal Railway Company ?

**THE HONOURABLE MR. M. W. BRAYSHAY :** Under the contract the Assam Bengal Railway Company is not entitled to any financial assistance from the Local Government.

**CONTRIBUTION BY THE ASSAM BENGAL RAILWAY TOWARDS THE EDUCATION OF THE CHILDREN OF THEIR EMPLOYEES.**

**89. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :** Will Government be pleased to state if the Assam Bengal Railway authorities bear any portion of the educational expenses of the children of their Indian and Goanese Christian employees—and if so in what proportion annually and whether any such privilege is enjoyed by the children of the employees of any other communities ?

**THE HONOURABLE MR. M. W. BRAYSHAY :** The Agent, Assam Bengal Railway, reports as follows :

“ During the year 1932-33 the total grant made from Revenue to parents, etc., in connection with the education of children of European and Anglo-Indian employees was Rs. 10,745, and the total expenditure from Revenue on Railway Schools maintained for Indians was Rs. 17,199 ”.

**EMPLOYMENT ON RAILWAYS OF NATIVES OF THE PROVINCE TRAVERSED.**

**90. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT :** Is it the policy of Government that the Railways traversing a province should as far as practicable employ men of the province consistently with the requirements of efficiency ? Is the policy followed by the Assam Bengal Railway ?

**THE HONOURABLE MR. M. W. BRAYSHAY :** As Railways generally traverse parts of several provinces the Government do not consider it practicable to lay down a hard and fast policy in the matter, but they consider it desirable that where a railway runs through a large tract of country, there should be a fair number of natives of that area in the railway services working in that tract of country as far as possible. It is believed that this practice is followed generally on the Assam Bengal Railway.

**SALE OF SILVER.**

**91. THE HONOURABLE MR. HOSSAIN IMAM** (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state :

(a) The exact date on which the recent transaction about the sale of Indian silver to the Government at Home was first completed in this country ?

(b) Whether the Indian Government was ever consulted in the matter either about the effects of such a sale or about the price at which it would be effected ?

(c) The total amount in fine ounces that has been sold in that deal?

(d) The total amount approximately that has been sold since our Government started sales of silver in 1927?

(e) The basis in respect of cents per fine ounce on which the purchase of silver was made from America under the Pitman Act?

(f) The basis per fine ounce on which the present purchase has been made by England from India?

(g) Whether the transaction resulted in a profit to India or to England?

(h) If so, the amount of such profit?

(i) The manner in which payment for the silver was made to India—whether in gold or securities?

(j) If securities—the price and market value of such securities?

THE HONOURABLE MR. J. B. TAYLOR: (a) to (c) and (f) to (j). Attention is invited to the reply which I have just given to question No. 19 asked by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

(d) I would refer the Honourable Member to the information given in the annual reports of the Controller of the Currency.

(e) 101½ cents. per fine ounce.

#### SILVER AGREEMENT.

92. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(a) Whether this country will gain in any way by reason of the agreement regarding silver arrived at the World Economic Conference?

(b) Whether it will henceforth be possible to pay our debts with silver?

(c) What sort of check our Government will keep on the sale of silver in this country?

(d) Whether they will keep any control on the export of silver from this country in future?

THE HONOURABLE MR. J. B. TAYLOR: The agreement is subject to ratification by the Legislature, and Government will make a statement of its intention in the matter in due course.

#### RESERVE BANK OF INDIA.

93. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(a) Whether they have sent any specific recommendations to the Home Government on the subject of the future constitution of the Reserve Bank in India?

(b) If so, the exact nature of such recommendations?



(c) The conclusions that have been arrived at by the majority of the Committee formed to deliberate upon the Reserve Bank Constitution in London recently ?

(d) The exact analogy of the Reserve or State Bank like which our future Reserve Bank is proposed to be established ?

THE HONOURABLE MR. J. B. TAYLOR : (a) and (b). Government do not propose to disclose the details of the recommendations made by them to the Secretary of State.

(c) and (d). The attention of the Honourable Member is invited to the report of the Reserve Bank Committee, which was published on the 16th of August, 1933.

#### INAUGURATION OF THE NEW CONSTITUTION FOR INDIA.

94. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state :

(a) Whether it is a fact that the inauguration of the White Paper Reforms is yet an uncertainty in view of the steady decline and most gloomy outlook of our Government finances ?

(b) Whether it is a fact that an enquiry is contemplated to be taken into our ways and means position shortly with a view to place our finances on a stable basis for the future ?

THE HONOURABLE MR. J. B. TAYLOR : With your permission, Sir, I shall answer parts (a) and (b) together. The attention of the Honourable Member is invited to paragraph 60 of the White Paper proposals.

#### DEFAMATORY REMARKS REGARDING THE PERSONNEL OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

95. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state whether their attention has been drawn to a paragraph at page 136 of the *Indian Railway Gazette* for July, 1933 ; which contains some defamatory observations regarding the members of the present Standing Finance Committee for Railways ?

THE HONOURABLE MR. M. W. BRAYSHAY : Government have seen the paragraph referred to.

#### MEASURES FOR INCREASING RAILWAY EARNINGS.

96. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state :

(a) Whether it is a fact that owing to gradual decline of their earnings State Railways Administrations have recently been devising ways and methods in order to make themselves more serviceable to their constituents than hitherto with a view to earn their custom ?

(b) If so, the details of those ways and means ?

(c) Whether the Company systems are likely to fall into line with the State systems in adopting those ways and means ?

(d) Whether public opinion has been consulted in the matter of the adoption of those ways and means ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) Yes.

(b) Examples are reduction of rates and fares, introduction of cheap return tickets, improvement of train services where necessary, and provision of better amenities to the travelling public.

(c) The object being improvement of net earnings, Company-managed Railways are not likely to lag behind.

(d) Such matters are ordinarily discussed with local Advisory Committees.

#### REDUCTION IN SALARIES OF THE KING'S COMMISSIONED INDIAN OFFICERS FROM THE INDIAN MILITARY ACADEMY, DEHRA DUN.

97. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Will Government be pleased to state :

(a) Whether Government intend to reduce the salary of the King's Commissioned Indian Officers from the Military Academy, Dehra Dun, from Rs. 380 per month to Rs. 300 ?

(b) If the answer to part (a) is in the affirmative, the reasons for the same ?

(c) The present rate of the salary drawn by the King's Commissioned Officers of the Royal Military College, Sandhurst ?

(d) Whether the King's Commissioned Officers from the Sandhurst College get any overseas allowance ? If so, how much ?

(e) Whether these officers get more overseas allowance than is drawn by the Indian Civil Service Officers ?

(f) Whether Government propose to reduce the pay of the King's Commissioned Officers from the Military College, Sandhurst, as a measure of retrenchment ? If so, how much ? If not, why ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) and (b). The Honourable Member appears to be under a slight misapprehension. I would invite his attention to the *communiqué* dated the 8th July, 1932, in which it was stated that the initial pay of officers commissioned from the Indian Military Academy had been provisionally fixed at Rs. 300 per mensem. This is approximately the pay of a newly joined British officer serving in his own country, and no higher rate has ever been announced.

(c) and (d). The rates of pay of officers who enter the British Service and Indian Army from Sandhurst will be found on pages 60 and 64 respectively of Pay and Allowance Regulations, Part I-Special, a copy of which is in the Library. The Honourable Member will see that the emoluments of regimental officers of the Indian Army include an element which is known as the Indian

**Army allowance.** The pay of regimental officers of the British Service in India is also somewhat higher than the pay admissible in England and to that extent contains an undefined overseas element.

(e) No. The Indian Army allowance is lower than the overseas pay of officers of the Indian Civil Service of corresponding seniority.

(f) The answer to the first part of the question is in the negative. The rates of pay of these officers have been carefully fixed with reference to the laws of supply and demand so as to attract recruits of the standard required. The rates themselves are subject to alteration according to changes in the cost of living, and are at present subject to the emergency cut.

#### ECONOMIC ENQUIRY INTO THE COST OF PRODUCTION OF SUGARCANE.

98. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Will Government be pleased to state what progress has so far been made in respect to the economic enquiry into the cost of production of sugarcane since 1st April, 1932?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: A scheme for an economic enquiry into the cost of production of sugarcane, cotton and rotation crops was sanctioned by the Imperial Council of Agricultural Research only in February, 1933. It is too early yet to report any progress. The enquiry will take about three and a half years.

#### TRIALS IN CONNECTION WITH A SMALL-POWER SUGARCANE CRUSHING MILL.

99. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: (a) Has Government received any report from Local Governments regarding the trials in connection with devising a satisfactory small-power sugarcane crushing mill in the Punjab, United Provinces and Bihar and Orissa?

(b) If so, will Government be pleased to lay a copy of these reports on the table and state what action is being taken on them?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) and (b). Final reports on these experiments have not yet been received as they are still in progress. Interim progress reports which are mainly technical are received annually by the Imperial Council of Agricultural Research and considered by its Sugar Committee. The Committee's comments or suggestions, if any, are communicated to the Local Governments concerned. The present position of these experiments, which are now nearing completion, will be reviewed in the next annual report of the Imperial Council of Agricultural Research, copies of which will be supplied to all Members of the House.

#### DIFFICULTIES EXPERIENCED BY SUGAR FACTORIES IN FINDING A MARKET FOR MOLASSES.

100. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Will Government be pleased to state what action has been taken on the representation of Messrs. Begg Sutherland & Co., Ltd., Cawnpore, regarding the increasing difficulties encountered by sugar factories,

etc., in India in finding an outlet for the production of molasses, etc.? Was the question considered by the Sugar Committee and, if so, with what results?

THE HONOURABLE MR. T. A. STEWART: Government have not as yet come to a decision on the representation referred to. The Sugar Committee appointed by the Imperial Council of Agricultural Research considered this question and the various suggestions made by it are at present receiving the consideration of the Council and of the Government of India.

#### BROWN SUGAR.

101. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Will Government be pleased to state whether the Sugar Committee of the Imperial Council of Agricultural Research has been able to consider the question of the demand for brown sugar and, if so, with what results?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Sugar Committee of the Imperial Council of Agricultural Research decided in March last that the Sugar Technologist should make experiments with the object of improving the quality of brown sugar made by the open pan process, as it appears that the demand for such sugar is diminishing and white crystalline sugar is preferred. The necessary experiments will be conducted during the ensuing season.

#### SUPPLY OF PROVINCIAL ADMINISTRATION REPORTS TO THE DIRECTOR OF PUBLIC INFORMATION FOR COMPILING THE ANNUAL REPORT ON INDIA.

102. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(a) Whether Administration Reports of the different provinces are regularly supplied to the Director of Public Information for the purpose of compiling his publication *India*?

(b) Whether the outstanding events that happened in a particular province in a particular year are noted in his publication?

(c) Whether the Director has noted the abnormal increase of crimes against women, of dacoities and of growing unemployment amongst middle classes in the province of Bengal in his *India* of last year?

(d) If so, the reference to the page of his book?

(e) Whether the Director is required to account for unusual occurrences anywhere during a year?

THE HONOURABLE MR. M. G. HALLETT: (a) Yes.

(b) Yes, if necessary.

(c) and (d). Information about the abnormal increase of dacoities in the province of Bengal will be found on page 536 of "*India in 1930-31*". There is no specific reference to middle class unemployment in Bengal in the publication, but general references to middle class unemployment in India will be

found on pages 237 and 627. At the time of writing the report, there was no information available concerning an increase in crimes against women in Bengal.

(e) Yes, if of sufficient importance and interest.

#### BOMBING OF TRIBAL TERRITORY ON THE NORTH-WEST FRONTIER.

103. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state :

(a) Whether there was recently some bombing of a tribal territory on the North-West Frontier ?

(b) Whether the bombing from the air of inoffensive civil populations has been interdicted by the League of Nations ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes.

(b) No. I may add however that there has been no bombing of inoffensive civil populations on the Frontier.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Government be pleased to say whether this bombing was done with due warning or without warning ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Certainly with warning, full warning.

#### NAMES OF COMPANIES DEALING IN PETROL, ETC.

104. THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (on behalf of the Honourable Mr. V. C. Vellingiri Gounder) : Will Government be pleased to state :

(a) The number, names and nationalities of all companies in India dealing in petrol, kerosene and mineral oil products.

(b) The selling prices of these oils by each of the companies in—

(i) India,

(ii) Great Britain and Ireland, and

(iii) if possible, other parts of the British Empire on an average ?

THE HONOURABLE MR. T. A. STEWART : (a) I lay on the table a statement giving the information required as far as it is available.

(b) (i) I also lay on the table a statement showing the selling prices of certain proprietary brands of oil and petrol at various centres in India.

(ii) and (iii). The required information is not available.

1.

*Statement showing names of Joint Stock Companies registered under Class VI—Mining and Quarrying—Petroleum.*

Serial No.	Name.	Situation of the registered office or Principal place of business in India.	Country of Incorporation.
1	2	3	4
1	All India Petroleum Co., Ltd. ..	Apollo Street, Fort, Bombay .	Registered in India.
2	Western India Oil Distributing Co., Ltd.	Amarchand Buildings, Ballard Estate, Bombay.	Do.
3	Eastern Drilling Syndicate, Ltd.	100, Clive Street, Calcutta ..	Do.
4	British Burmah Deep Drilling Co., Ltd.	100, Clive Street, Calcutta ..	Do.
5	Rangoon Oil Co., Ltd. ..	8, Strand Road, Rangoon ..	Do.
6	Nath Singh Oil Co., Ltd. ..	Yenangyaung, Burma ..	Do.
7	Indo-Burma Petroleum Co., Ltd.	622, Merchant St., Rangoon ..	Do.
8	United Turnyo Oil Co., Ltd. ..	Yenangyaung, Burma ..	Do.
9	Irrawaddy Petroleum Oil Syndicate, Ltd.	7, Edward Street, Rangoon ..	Do.
10	Moolla Oil Co., Ltd. .. ..	7, Edward Street, Rangoon ..	Do.
11	Myittha Co., Ltd. .. ..	Kalewa, Burma .. ..	Do.
12	Maung Khin Oil Co., Ltd. ..	Shwe Kyangon Quarter, Yenangyaung, Burma.	Do.
13	United Refineries (Burma), Ltd.	Thayetmyo, Burma .. ..	Do.
14	Twinyos and Twinzas Corporation, Ltd.	Yenangyaung, Burma ..	Do.
15	Sanhla Oil Co., Ltd. .. ..	Obo Quarter, Yenangyaung, Burma.	Do.
16	Thilawa Refineries (Burma), Ltd.	1, Theatre Road, Rangoon ..	Do.
17	The Lewis Petroleum Co., Ltd.	43, Sule Pagoda Road, Rangoon	Do.
18	The Yenana Mines, Ltd. ..	67--69, Lewis Street, Rangoon	Do.
19	The Dominion Oil Co., Ltd. ..	Goninathein Road, Yenangyaung, Burma.	Do.
20	Eastern Petroleum and Finance Co., Ltd.	11, Bank Street, Fort, Bombay	Registered in the United Kingdom.
21	Crupp Indian Trading Co., Ltd.	Stronach House, Ballard Estate, Fort, Bombay.	Registered in Germany.

Serial No.	Name.	Situation of the registered office or Principal place of business in India.	Country of Incorporation.
1	2	3	4
22	Texas Co. (India), Ltd. ..	Henry House, Arthur Road, Bombay.	Registered in U. S. A.
23	Shell Co. of Aden, Ltd. ..	Ballard Estate, Fort, Bombay..	Registered in the United Kingdom.
24	Budderpore Oil Co., Ltd. ..	14, Old Court House Street, Calcutta.	Do.
25	Socony Vacuum Corporation ..	102/1, Clive Street, Calcutta ..	Registered in U. S. A.
26	Anglo-Persian Oil Co., Ltd. ..	4, Bankshall Street, Calcutta ..	Registered in the United Kingdom.
27	Valvoline Oil Co. .. ..	B-5, Clive Buildings, Calcutta	Registered in U. S. A.
28	Standard Oil Co. of New York, Inc.	6, Church Lane, Calcutta.	
29	Vacuum Oil Co., Inc. ..	2, Clive Row, Calcutta ..	Registered in U. S. A.
30	The British Burma Petroleum Co., Ltd.	Rangoon .. ..	Registered in the United Kingdom.
31	The Burma Oil Co., Ltd. ..	Rangoon .. ..	Registered in the United Kingdom (Glasgow).
32	Indo-Burma Oilfields (1920), Ltd.	Thayetmo, Burma .. ..	Registered in the United Kingdom.
33	Globe Oilfields, Ltd. . . .	Thayetmo, Burma .. ..	Do.
34	Assam Oil Co., Ltd. .. ..	P. O. Digboi, Lakhimpore, Assam.	Do.

## II.

*Statement showing names of Joint Stock Companies registered under class III—Trading and manufacturing but which are understood to be dealing in petrol, kerosene and allied mineral products.*

35	Burmah Shell Oil Storage and Distributing Co. of India, Ltd.	Hongkong House, Council House St., Calcutta.	Registered in the United Kingdom.
36	Anglo-Indian Oil Co., Ltd. ..	Imperial Chambers, Wilson Road, Ballard Estate, Fort, Bombay.	Registered in India.
37	Petrol Supply Syndicate, Ltd. . .	Empire Buildings, Hornby Road, Fort, Bombay.	Do.
38	Anglo-Asiatic Oil Co., Ltd. ..	1-A., Swallow Lane, Calcutta ..	Do.
39	Anglo-American Oil Products Co. (India), Ltd.	5, Dalhousie Square, 2nd Floor, Calcutta.	Do.

Serial No.	Name.	Situation of the registered office or Principal place of business in India.	Country of Incorporation.
1	2	3	4
40	Romagna Road Surface Co., Ltd.	30, Middle Road, Entally, Calcutta.	Registered in India.
41	Business, Ltd. .. ..	4, Theatre Road, Calcutta ..	Do.
42	Petrol Pumps Consolidated, Ltd.	3/1, Mangoe Lane, Calcutta ..	Do.
43	American Petroleum Co. (South Indian), Ltd.	Madura .. ..	Do.
44	Oriental Commerce, Ltd. ..	263, Upper Circular Road, Calcutta.	Do.
45	Great Eastern Importing Co., Ltd.	5, Chittaranjan Avenue, Calcutta.	Do.
46	Wazir Singh Hakim Rai & Co., Ltd.	Montgomery, Punjab ..	Do.
47	Agencies India, Ltd. ..	Chandni Chowk, Delhi ..	Do.
48	Calcutta Drivers Motor Stores, Ltd.	31, Elgin Road, Calcutta ..	Do.
49	Jalpaiguri Oil Petroleum Co., Ltd.	Jalpaiguri, Bengal .. ..	Do.
50	Hindustan Petroleum Co., Ltd.	Madras .. ..	Do.
51	Burma Motor Accessories, Ltd.	42, Brooking Street, Rangoon ..	Do.
52	The Hyderabad Motor Oil Co., Ltd.	Hyderabad (Deccan) ..	Do.
53	Smith Stanistreet & Co., Ltd.	18, Convent Road, Entally, Calcutta.	Do.
54	Ramackers & Co., Ltd. ..	7, Old Court House St., Calcutta	Do.
55	Robert McLean & Co., Ltd. ..	Mercantile Building, Lalbazar Street, Calcutta.	Do.
56	Road Oils (India), Ltd. ..	20, 20/1, Tangra Road, Calcutta	Do.
57	Silvertown Lubricants (India), Ltd.	Chartered Bank Buildings, Calcutta.	Do.
58	Tide Water Oil Co. (India), Ltd.	8, Clive Row, Calcutta ..	Do.
59	Victor Oil Co., Ltd. .. ..	11, Clive Street, Calcutta ..	Do.
60	Greaves Cotton & Co., Ltd.	Forbes Street, Fort, Bombay ..	Do.
61	C. C. Wakefield & Co., Ltd. ..	7, Royal Exchange Place, Calcutta.	Registered in United Kingdom.
62	Attock Oil Co., Ltd. .. ..	Rawalpindi .. ..	Do.



## III.

*Statement showing names of additional private companies manufacturing and dealing in oil and Lubricant in India.*

63. The Scientific Supplies (Bengal) Co., 35-38, College Street Market, Calcutta.
64. American Oil Co., 104, Chitpur Road, Calcutta.
65. Don Watson & Co., 8, Lyons Range, Calcutta.
66. International Oil Products, 25-C, Swallow Lane, Calcutta.
67. Pioneer Lubricating Oil and Belting Supply Co., 4, Bolai Dutt Street, Calcutta.
68. Seroggie Bros., 2, Clive Ghat Street, Calcutta.
69. Gali & Co., Opposite Railway Station, Ahmedabad.
70. Gordhandas Rupchand & Co., Acharuthal Building, Cross Lane, Station Road Railwaypura, Ahmedabad.
71. Motor and General Stores Supplying Co., Kothari Mansion, P. O. Box No. 492, Fort Bombay No. 1.
72. Doongarsidas Murlidhar & Sons, Buxi Bazar, Cuttack.
73. Lala Damodar Das, Khari Baoli, Delhi.

*Price of kerosene oil.*

Calcutta, 16th August, 1933—

*American.*

						Rs.	A.	P.
Snowflake, case 150°	..	..	..	..	..	9	1	0
Chesters, case 125°	..	..	..	..	..	8	11	6
Monkey, case 125°	..	..	..	..	..	8	2	6
Monkey, 2 tins 125°	..	..	..	..	..	6	10	6
Elephant, 2 tins 125°	..	..	..	..	..	6	8	6
Elephant (bulk) 8 imperial gallons				..	..	5	7	6

*Burmah Shell.*

Prices ex-Narcul-  
danga Depot.

Pennant, case 150°	..	..	..	..	..	9	1	0
Shell, case 150°	..	..	..	..	..	9	1	0
Waterlily, case 150°	..	..	..	..	..	8	11	6
Firefly, case 125°	..	..	..	..	..	8	7	6
Lion, 2 tins 125°	..	..	..	..	..	6	11	0
Anchor, 2 tins 125°	..	..	..	..	..	6	11	0
Chukker, 2 tins 125°	..	..	..	..	..	6	9	0
Rising Sun, 2 tins 125°	..	..	..	..	..	6	9	0
Victoria, 2 tins 125°	..	..	..	..	..	6	1	0
Swan, 2 tins 125°	..	..	..	..	..	6	1	0

Bulk oil rates are quoted at Re. 1-1-0 lower, except for cased kerosene, Lion and Anchor.

*Indo-Burma.*

					Rs.	A.	P.
Globelight, case of 2 tins 150°	..	..	..	..	9	1	0
Windsor, case of 2 tins 150°	..	..	..	..	8	11	6
Goat case, of 2 tins 125°	..	..	..	..	6	11	0
Star and Crescent, case of 2 tins 125°	..	..	..	..	6	9	0
Cock and Key, case of 2 tins 125°	..	..	..	..	6	1	0

Bulk rates for last three brands being Re. 1-1-0 per unit of 8 gallons less.

Bombay, 19th August, 1933—

*Burmah Shell.*

Firefly-cases, per case	..	..	..	..	8	15	6
Anchor brand tins, per pair	..	..	..	..	8	11	6
Swastika brand tins, per pair	..	..	..	..	8	7	6
Rising Sun brand tins, per pair	..	..	..	..	6	11	6
Chukker brand tins, per pair	..	..	..	..	6	11	6
Rising Sun brand bulk, per 8 imperial gallons	..	..	..	..	6	9	6
Chukker brand bulk, per 8 imperial gallons	..	..	..	..	6	9	6
Swan brand tins, per pair	..	..	..	..	5	5	6
Swan brand bulk, per 8 imperial gallons	..	..	..	..	4	13	6
Victoria brand bulk, per 8 imperial gallons	..	..	..	..	6	1	6

Karachi, 15th August, 1933—

*American.*

Snowflake 150°, per case of 2 tins	..	..	..	..	8	15	0
Chesters do. do.	..	..	..	..	8	9	6
Monkey do. do.	..	..	..	..	8	1	6
Monkey tins, per 2 tins	..	..	..	..	6	9	6
Elephant do.	..	..	..	..	6	7	6
Elephant bulk, per 8 imperial gallons	..	..	..	..	4	6	0

*Burmah-Shell.*

Pennant 150°, per case of 2 tins	..	..	..	..	8	15	0
Waterlily do.	..	..	..	..	8	9	6
Firefly do.	..	..	..	..	8	5	6
Lion/Maltese cross 125° per 2 tins	..	..	..	..	6	9	6
Rising Sun/Horse/Chakkar do.	..	..	..	..	6	7	6
Do. bulk, per 8 gallons	..	..	..	..	4	6	0
Swan/Victoria packed, per 2 tins	..	..	..	..	5	15	6
Swan/Victoria bulk, per 8 gallons	..	..	..	..	3	14	0

Madras, 18th August, 1933—

<i>American.</i>						Rs. a. p.
Snowflake case of 2 tins	..	..	..	..	..	8 15 0
Monkey do.	..	..	..	..	..	7 3 0
Monkey 2 tins only ..	..	..	..	..	..	6 9 0
Elephant do.	..	..	..	..	..	6 7 0
Elephant bulk of 8 gallons	..	..	..	..	..	5 5 0

Madras. 18th August, 1933—

*Burmah-Shell.*

Waterlily case of 2 tins	..	..	..	..	..	8 9 6
Lion and Anchor do.	..	..	..	..	..	7 3 0
Lion and Anchor 2 tins only	..	..	..	..	..	6 9 0
Shell case of 2 tins ..	..	..	..	..	..	8 15 0
Rising Sun and Chakkar, 2 tins only	..	..	..	..	..	6 7 0
Rising Sun and bulk of 8 gallons	..	..	..	..	..	5 6 0
Owl or Victoria, 2 tins only ..	..	..	..	..	..	6 1 0
Owl or Victoria, bulk of 8 gallons	..	..	..	..	..	4 15 0

Delhi City, 14th August, 1933—

*American.*

Snowflake, per tin ..	..	..	..	..	..	5 14 0
Chester do. ..	..	..	..	..	..	5 12 0
Church mark, do.	..	..	..	..	..	5 12 0

*Burmah-Shell.*

Victoria, per tin ..	..	..	..	..	..	3 9 0
Monkey mark, do.	..	..	..	..	..	4 2 0
Chakkar mark, do.	..	..	..	..	..	3 18 0

*Russian.*

Rising Sun, per tin	..	..	..	..	..	3 13 0
Elephant mark, do.	..	..	..	..	..	3 14 0

*Price of petrol during the week ending 26th August, 1933.*

Rs. A. P.

1. Delhi ..	..	..	..	..	1 5 0	Per imperial gallon in 2 gallon cans.
2. Rangoon	..	..	..	..	1 3 6	Do.
3. Karachi	..	..	..	..	1 5 6	Do.
4. Bombay	..	..	..	..	1 0 0	Do.
5. Calcutta	..	..	..	..	1 5 6	In bulk, per gallon.
6. Madras	..	..	..	..	1 5 6	Do.

NOTE.—These prices refer to Burmah petrol except in the case of Delhi and Bombay where Russian petrol is sold at the same price.

**FOREIGN COMPANIES DEALING IN PETROL, ETC., AND THE CONTROL EXERCISED BY THE GOVERNMENT OVER THEM.**

**105. THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU** (on behalf of the Honourable Mr. V. C. Vellingiri Gounder) : (1) What is the approximate number of registered foreign companies within India dealing in petrol, kerosene and mineral oil products? If these are registered in India where are they registered? What is the amount of working capital, reserve funds and other investments in each case and where and in what form do these exist?

(2) What is the cost of production and what customs duties are, in each case, charged by the Government of India and, if possible, other Governments within the British Empire?

(3) How many of the companies are doing their business within the jurisdiction of the Government of India?

(4) To what extent does Government exercise control over these companies in respect of—

(a) conditions,

(b) licences, and

(c) agreements, if any (as regards working periods, selling price of oils, quantity, quality and storage),

in all principal centres of India?

(5) What is the amount of capital invested by Indians and Europeans?

(6) The dividends declared by each of the companies during the past ten years and the paid up value in each of the companies?

(7) Are any of these companies amalgamated with each other? If so, to what extent?

(8) The amount of income-tax paid to the Government of India by each of the companies doing business in India for the past ten years?

**THE HONOURABLE MR. T. A. STEWART** : So much of the information required by the Honourable Member as may be available is being collected and will be furnished to him in due course.

**NUMBER OF SUPERIOR INDIAN CIVIL SERVICE POSTS AND LISTED POSTS IN THE PROVINCES.**

**106. THE HONOURABLE MR. HOSSAIN IMAM** : What is the total number of superior posts reserved for the Indian Civil Service in each province? What is the number of listed posts in each province? and what is the reserve for service under the Government of India from each province?

**THE HONOURABLE MR. M. G. HALLETT** : The Honourable Member is referred to Table A of Schedule VII to the Superior Civil Services Rules, a copy of which will be found in the Library.

**NUMBER OF INDIAN CIVIL SERVICE OFFICERS IN SERVICE AND ON LEAVE.**

**107. THE HONOURABLE MR. HOSSAIN IMAM** : What was the total number of the Indian Civil Service Officers in service in India and how many were on leave on 1st July, 1933?

**THE HONOURABLE MR. M. G. HALLETT :** The number of Indian Civil Service Officers in service on the 1st January, 1933, the latest date for which figures are usually available, was 1,173. I have no information regarding the number of officers on leave on the 1st July, 1933, which would have to be obtained from Local Governments. In 1931, the number of officers on leave in July was 223 and probably about the same number were on leave in the current year.

**NUMBER OF INDIAN CIVIL SERVICE OFFICERS SERVING UNDER THE GOVERNMENT OF INDIA AND PAY DRAWN BY THEM.**

**108. THE HONOURABLE MR. HOSSAIN IMAM :** What is the number of officers of the Indian Civil Service serving under the Government of India showing separately the numbers of those in receipt of junior scale and senior scale pay : and how many are holders of superior and inferior posts ?

**THE HONOURABLE MR. M. G. HALLETT :** I lay on the table a statement giving the details for the 1st January, 1933, the latest date for which information is readily available.

**STATEMENT.**

Total number of Indian Civil Service Officers serving under the Government of India on 1st January, 1933	..	..	..	..	111
Number drawing pay on the junior scale	..	..	..	..	9
Number drawing pay on the senior scale	..	..	..	..	43
Number drawing rates of pay outside the time scale	..	..	..	..	59
Number holding superior posts	..	..	..	..	102
Number holding inferior posts	..	..	..	..	9

**EMPLOYMENT OF INDIANS IN THE INDIAN MEDICAL DEPARTMENT.**

**109. THE HONOURABLE MR. HOSSAIN IMAM :** Are appointments to the Indian Medical Department service open to Indians other than statutory Indians ? If not, why not ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** The Indian Medical Department consists of two branches. The first of these, which is known as the Assistant Surgeon Branch, is intended for duty with British troops of the Army in India, and is for that reason open only to Europeans and Anglo-Indians. The other branch is the Sub-Assistant Surgeon Branch, the members of which serve ordinarily with the Indian Army ; it is open to all British Indian subjects.

**QUALIFICATIONS FOR APPOINTMENT TO THE INDIAN MEDICAL DEPARTMENT.**

**110. THE HONOURABLE MR. HOSSAIN IMAM :** (a) What are the qualifications for the Indian Medical Department ? Are the degrees of Indian Universities recognised as qualifying for this service ?

(b) Is it a fact that selected candidates for this service are trained at Government expense, and are not required to pass any University examination ? Are not these appointments made by the Public Services Commission ?

(c) What was the average cost of full training for each student in 1931-32, and what is the scale of pay of this service, and to what units of the Army are they attached ?

(d) Is there any corresponding service to the Indian Medical Department in the Home Army and what are its name, scales of pay and conditions of service?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have caused to be placed in the Library of the House a copy of the Prospectus for the Assistant Surgeon Branch of the Indian Medical Department and I think that the Honourable Member will find in it all the information he desires regarding the preliminary educational qualifications, selection and training of candidates, as well as the conditions of service and sphere of employment of trained personnel. Candidates for the Assistant Surgeon Branch are ordinarily selected and trained at State expense, but there have been one or two cases in which candidates with medical qualifications obtained at their own expense have been appointed to the service. The average cost of training selected candidates is about Rs. 2,000 per annum.

There is no service in the British Army in the United Kingdom corresponding to the Indian Medical Department.

#### POSITION OF INDIANS IN EAST AFRICA.

111. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (1) Was the attention of Government drawn to the following resolution passed by the executive committee of the East African Indian Congress:

“The executive committee in view of the serious situation that is likely to arise as a result of the demands of the white settlers for constitutional advance and financial control amounting to the virtual control of the country by them, call upon the country to prepare for a further political struggle, which is thus being imposed upon them against their own will or desire”?

(2) (a) Is it a fact that Government sent a cable to the Secretary of State to ascertain the facts mentioned in the above resolution in the middle of July?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state what reply has been received from the Secretary of State and what action it is proposed to take to put a stop to such control being given to the white settlers?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The attention of the Honourable Member is invited to the Press Note on the subject issued on the 11th August, 1933, copy of which is being laid on the table.

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#### GOVERNMENT OF INDIA.

#### DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

*Simla, the 11th August, 1933.*

#### *Press Note.*

In the third week of June, the Government of India received a representation from the East African Indian National Congress to the effect that there was a move on the part

of the European non-officials in Kenya to press His Majesty's Government for further control in the Colony's government. About the middle of July they made a further representation that the European settlers were demanding the creation of a statutory Finance Committee with European elected majority. On receipt of each representation the Government of India made urgent inquiries from the Secretary of State as to the exact position and requested that, if any change in policy regarding the constitution of the Colony were contemplated, both they and the Indian community in Kenya would be given adequate notice and opportunity to place the Indian point of view before His Majesty's Government. Information has now been received from the Secretary of State for the Colonies, who also received a representation from the East African Indian National Congress submitting that no justification existed for any such constitutional change as the creation of a statutory Finance Committee with European elected majority, that he has requested the Officer Administering the Government of Kenya to invite the attention of the East African Indian National Congress to the reply given to the Right Honourable Captain F. Guest, M.P., on the 21st of June in the House of Commons and to the official report of the debate on the Colonial Office Vote on the 14th of July in which Sir P. Cunliffe-Lister reiterated the intention of His Majesty's Government to stand by the findings of the Joint Select Committee of Parliament on East Africa. It will be remembered that, in paragraph 75 of their Report, the Joint Select Committee on Closer Union in East Africa stated that the control of His Majesty's Government in the United Kingdom must remain unimpaired and that, in paragraphs 96—98 of the same Report, the importance of an official majority in the Legislative Council of Kenya was emphasised.

112. \*

#### ACTION TAKEN UNDER THE SAFEGUARDING OF INDUSTRIES ACT, 1933.

113. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state what action has been taken on the Anti-Dumping Act?

(b) How many industries have applied for protection and what course is to be adopted to find out whether their demand is genuine and what protection should be afforded to them?

THE HONOURABLE MR. T. A. STEWART: (a) No action has yet been taken under the Safeguarding of Industries Act, 1933, to which, I presume, the Honourable Member refers.

(b) Thirty-nine industries have applied for protection. An exhaustive questionnaire has been issued to each applicant the replies to which have been, or will be, carefully examined in the Commerce Department.

#### NEGOTIATIONS FOR AN INDO-JAPANESE TRADE AGREEMENT.

114. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Is it a fact that a settlement is being contemplated with Japan in consequence of raising import duties on its goods? If so, what is the present position?

(b) Will Government be pleased to make a statement on the question?

THE HONOURABLE MR. T. A. STEWART: (a) As a consequence of the denunciation of the Indo-Japanese Trade Convention which will expire on 10th October next, the Government of Japan are sending a delegation to India to negotiate a fresh trade agreement.

(b) The Government have no further information on the subject.

\*Question not put by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

SUBSIDIES FROM INDIAN STATES.

115. THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (on behalf of the Honourable Mr. V. C. Vellingiri Gounder) : Will Government be pleased to state :

(a) The total amount of annual subsidies received by Government from all the Indian States in India ?

(b) The first 20 States in the order of importance giving the annual subsidy payable by each of them ?

THE HONOURABLE MR. B. J. GLANCY : (a) The figure as given at page 239 of the Report of the Indian States Enquiry Committee (Financial) is Rs. 72,02,016.

(b) There is no fixed order of importance as regards " the first 20 States ". The information regarding individual States will be found in the publication " Memorandum on the Indian States ".

ANNUAL ARMY EXPENDITURE SINCE 1923.

116. THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (on behalf of the Honourable Mr. V. C. Vellingiri Gounder) : What is the annual army expenditure for the last ten years ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I lay on the table a statement giving the information desired by the Honourable Member.

*Statement giving the information asked for in question No. 116.*

Year.	Amount in crores.	
		Rs.
1923-24	.. .. .	.. 56.23
1924-25	.. .. .	.. 55.63
1925-26	.. .. .	.. 56.00
1926-27	.. .. .	.. 55.97
1927-28	.. .. .	.. 54.79
1928-29	.. .. .	.. 55.10
1929-30	.. .. .	.. 55.10
1930-31	.. .. .	.. 54.30
1931-32	.. .. .	.. 51.76
1932-33	.. .. .	.. 46.74
	(Revised estimates).	

Including amounts transferred or estimated to be transferred to the Defence Reserve Fund.

ANNUAL CUSTOMS REVENUE SINCE 1923.

117. THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (on behalf of the Honourable Mr. V. C. Vellingiri Gounder) : (a) What is the annual customs revenue of the Government of India for the last ten years ?

(b) What proportion of it is attributable to the Indian States ?

THE HONOURABLE MR. J. B. TAYLOR : (a) The figures will be found in the Finance and Revenue Accounts, copies of which are in the Library of the House.



(b) No accurate estimate is available. A rough estimate made by a Committee which sat in 1930 estimated the States' contribution as about one-eighth of the total Customs Revenue.

#### NUMBER OF UNEMPLOYED GRADUATES.

118. THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (on behalf of the Honourable Mr. V. C. Vellingiri Gounder): What is the number of unemployed graduates in each province in India and what steps do Government propose to take to relieve them?

THE HONOURABLE MR. J. A. SHILLIDY: An attempt was made at the 1931 Census to obtain the figures of unemployed graduates, but this did not yield any satisfactory results, and reliable figures are therefore not available.

The relief of unemployment is a matter which is primarily the concern of Local Governments, and the Government of India have no special measures in contemplation.

#### RAILWAY ROLLING STOCK PROGRAMME FOR 1934-35.

119. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad): (a) Is it a fact that the memorandum submitted to the Standing Finance Committee in May last by the Financial Commissioner for Railways concerning the rolling stock programme of various railway administrations for 1934-35 estimates the total expenditure at 201 lakhs, distributed as follows:

(i) Locomotives	..	..	..	..	Rs. 49 lakhs,
(ii) Boilers	..	..	..	..	Rs. 43 lakhs,
(iii) Carriages	..	..	..	..	Rs. 91 lakhs,
(iv) Wagons	..	..	..	..	Rs. 18 lakhs?

(b) Will Government be pleased to state to what extent the purchases of the above mentioned rolling stock will be made in India and to what extent abroad?

THE HONOURABLE MR. M. W. BRAYSHAY: (a) The figures are correct, except that the estimated expenditure on boilers should be Rs. 46 lakhs and the total Rs. 204 lakhs.

(b) All purchases by State-managed Railways are now made in India under the rupee-tender system.

All the locomotives and boilers will be manufactured abroad, except a few which will be manufactured at Ajmer for which a provision of Rs. 8 lakhs has been included in the Budget. The expenditure on carriages and wagons will be almost entirely incurred in India.

#### ARREST OF MR. DEVIDAS GANDHI AT DELHI ON 6TH AUGUST, 1933.

120. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad): (a) Is it a fact that an order of the Chief Commissioner of Delhi under section 3 of the

Punjab Criminal Law Amendment Act, restraining Mr. Devidas Gandhi from entering the Delhi Province was served on Mr. Devidas Gandhi on August 6th last when he alighted at the Delhi Railway Station?

(b) Is it a fact that thereupon Mr. Devidas Gandhi gave a definite assurance in writing that he had absolutely no intention of participating in the civil disobedience movement in Delhi or of taking part in politics but that he had gone there to settle down in private life?

(c) If so, why was the order of restraint not withdrawn on the above assurance and why was Mr. Devidas Gandhi incarcerated?

THE HONOURABLE MR. M. G. HALLETT: (a) Yes.

(b) In a letter which he thereupon wrote and handed to the police inspector, and which was duly forwarded through proper channels to the Chief Commissioner the following day, Mr. Devidas Gandhi made the statement as quoted in the Honourable Member's question, though he explained that his intention of settling down in Delhi in private life was "for at least a few months". He also said "I have decided to take no active part in the civil disobedience movement for some months at least". He hoped that the Chief Commissioner would see his way to withdraw his order; but if he did not do so, Mr. Devidas Gandhi went on to say that it was his clear duty as he conceived it cheerfully to suffer the consequences pointed out in the text of the order, for not complying with it.

Before handing this letter to the police inspector he wrote a similar document which he gave to the representative of the *Hindustan Times* for publication.

(c) In view of the history of Mr. Devidas Gandhi's previous activities in Delhi, the Chief Commissioner was not satisfied by the qualified assurances of Mr. Devidas Gandhi that in fact his presence in Delhi would not act as an encouragement to the revival of the civil disobedience movement there.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Is it the policy of the Government to insult persons who had connections with the civil disobedience movement in the past but who have severed their connection with it.

THE HONOURABLE THE PRESIDENT: Order, order. This question does not arise from the original question.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government be pleased to state what further assurances were necessary?

THE HONOURABLE MR. M. G. HALLETT: If Mr. Devidas Gandhi had complied with the Chief Commissioner's order and had left Delhi forthwith, that would no doubt have satisfied the Chief Commissioner that no action was necessary against him. He did not however do so and said he was prepared to bear the consequences of staying in Delhi.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if definite assurances that for a few months he was not going to take part in the civil disobedience movement are not considered sufficient by the Government?

**THE HONOURABLE MR. M. G. HALLETT :** Each case must be considered on its merits. In this case the Chief Commissioner had to take into consideration, as I said in my reply to the question, Mr. Devidas's previous activities during the last two or three years.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Is it not the practice of the Government to release those civil disobedience prisoners who even after going into jail declare that they are not going to take part in the civil disobedience movement ?

**THE HONOURABLE MR. M. G. HALLETT :** As I said, each case is considered on its merits. In many cases one does accept a definite assurance given by a civil disobedience prisoner but one cannot generalise from particular instances.

**THE HONOURABLE THE PRESIDENT :** The remaining questions will be taken up at the next meeting under standing orders.

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**REMARKS BY THE HONOURABLE THE PRESIDENT *RE* (1) ABSENCE OF MEMBERS DURING QUESTION TIME AND (2) PUBLICATION BY MEMBERS OF THEIR QUESTIONS AND RESOLUTIONS BEFORE THEY APPEAR ON THE LIST OF BUSINESS.**

**THE HONOURABLE THE PRESIDENT :** Before we proceed with the business of today's sitting, I wish to make one or two observations with regard to the right of interpellation. Today Honourable Members must have noticed that many questions could not be asked because the Honourable Members who had framed those questions were not present. I want to point out to Honourable Members that when they put dozens of questions they must be either in their places to ask those questions or delegate their authority to other Members and give notice of the same to the Secretary. I also wish to point out that the asking of these questions causes the various Departments of Government a considerable amount of time, labour and expenditure and Honourable Members must bear this fact in mind in framing their interpellations and see that they are present in the Council Hall to receive the official replies to their questions.

Another matter I also wish to refer to and it is with a considerable amount of disappointment and sorrow. I feel that a practice is steadily growing among Honourable Members immediately they send their questions to the Legislative Department to have them published in the newspapers. This is a very objectionable and reprehensible practice. Honourable Members are probably not aware that the publication of questions in newspapers (and I hold in my hand today several questions which were disallowed by the Chair and have been published in the newspapers) is a practice which would not be tolerated for one moment in the House of Commons. I wish to draw the attention of Honourable Members to the important fact that until and unless the questions are admitted by the Chair and published in the List of Business they are of a confidential character and it is a breach of privilege to give publicity to such questions or resolutions. I also wish to point out that unfortunately the Chair has no power in this connection to deal with such infractions of privilege or duty. In the House of Commons, both the House as well as the Speaker have the right to deal with such infractions and take notice of the conduct of Honourable Members and also deal with the offending editors and proprietors of newspapers. We

have no such convention or practice here. The practice in the House of Commons has grown up under a convention and I would like very much that convention to grow in this Council. I would therefore appeal to Honourable Members that they will see that both in respect of their questions and resolutions no publication in future takes place before these questions and resolutions appear on the List of Business and I would leave to their good sense and judgment to respect such well-established conventions which are observed in the House of Commons. I have no doubt that Honourable Members will endeavour their very best to see that this convention grows up in a salutary manner and I feel confident that there will be no occasion for me hereafter to refer to this matter as the Honourable Members themselves are as anxious as myself to maintain the dignity and the traditions of this House.

#### MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have got a message to convey to you from His Excellency the Governor General. It reads as follows :

##### PANEL OF CHAIRMEN.

*"In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, Freeman, Earl of Willington, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State :*

*In the first place, the Honourable Nawab Malik Mohammad Hayat Khan Noon ;  
in the second place, the Honourable Rai Bahadur Lala Ram Saran Das ;  
in the third place, the Honourable Diwan Bahadur G. Narayanaswami Chetti ;  
and lastly, the Honourable Ganpati Agraharam Annadthurai Ayyar Natesan.*

SIMLA,

(Sd.) WILLINGDON,

The 22nd August, 1933.

Viceroy and Governor General "

(The Message was received by the Council, standing.)

#### COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT : Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each Session to constitute a Committee on Petitions consisting of a chairman and four members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Mr. G. A. Natesan and as members, the Honourable Raja Charanjit Singh, the Honourable Khan Bahadur Syed Abdul Hafeez, the Honourable Sir David Devadoss and the Honourable Mr. Satyendra Chandra Ghosh Maulik.

#### GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL : Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the

[Secretary of the Council.]

following Bills which were passed by the two Chambers of the Indian Legislature during the Delhi session, 1933, namely :

The Indian Marine (Amendment) Act, 1933.

The Children (Pledging of Labour) Act, 1933.

The Indian Forest (Amendment) Act, 1933.

The Cotton Textile Industry Protection (Amendment) Act, 1933.

The Wheat Import Duty (Extending) Act, 1933.

The Salt Additional Import Duty (Extending) Act, 1933.

The Indian Finance Act, 1933.

The Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Act, 1933.

The Provincial Criminal Law Supplementing Act, 1933.

The Auxiliary Force (Amendment) Act, 1933.

The Indian Merchant Shipping (Amendment) Act, 1933.

The Indian Income-tax (Amendment) Act, 1933.

The Safeguarding of Industries Act, 1933.

The Indian Tariff (Amendment) Act, 1933.

#### STATEMENTS LAID ON THE TABLE.

- (1) KOLAGHAT RAILWAY BRIDGE, BENGAL NAGPUR RAILWAY, AND (2) ASSISTANT TRAIN EXAMINERS, BENGAL NAGPUR RAILWAY.

THE HONOURABLE MR. M. W. BRAYSHAY : Sir, I lay on the table the information promised in reply to questions Nos. 16 and 17 asked by the Honourable Mr. Jagadish Chandra Banerjee on the 16th February, 1933.

#### *Kolaghat Railway Bridge, Bengal Nagpur Railway.*

(a) The original bridge was built in 1900 with double line piers and the preliminary arrangements for doubling of the girders were commenced in January 1928. The work was completed early this year.

(b) The total cost of doubling the girders has been about Rs. 36,72,000.

(c) The work as a whole has been carried out by the Railway Company, who engaged separate contractors to carry out different parts of the work.

(d) It was not considered advisable to entrust entirely to any one contractor the responsibility of carrying out this difficult operation alongside the existing main line carrying traffic. The work was, therefore, carried out by the Railway Company with the assistance of a number of erecting contractors, of whom the principal were Dayal Lala and B. Makhanwallah.

(e) All the main false-work was supplied on tender by Messrs. Jessop and Co., Calcutta, or was available from previous constructions. The girders were supplied by the Cleveland Bridge and Engineering Company and Messrs. Head Wrighton and Company, from whom they were ordered after simultaneous public call for tenders in India and England.

(f) The rails were supplied by the Tata Iron and Steel Company, under the Railway Board's contract. Bolts and nuts were supplied as part of the fabricated material to which they belonged, whether girders, false-work or rails.

(g) Tenders were invited for all the main items, and there was nothing to prevent the Tata Iron and Steel Company from tendering. Presumably they did not do so because fabricated material was required.

*Assistant Train Examiners, Bengal Nagpur Railway.*

(1) The Agent, Bengal Nagpur Railway reports that under orders issued on the 15th July, 1930, the Indian scale of Assistant Train Examiners was abolished and replaced by one scale applicable to all Assistant Train Examiners irrespective of nationality, viz., 45—5—80 (efficiency bar)—5—140.

(2) Does not arise.

(3) *Eastern Bengal Railway.*—There are no Assistant Train Examiners on this railway.

*East Indian Railway.*—25—5—40.

*North Western Railway.*—There are no Assistant Train Examiners on this railway.

*Great Indian Peninsula Railway.*—28—5—38—4—42 at outstations and 35—5—55 in the island of Bombay.

*Burma Railways.*—Assistant Train Examiners are designated Assistant Carriage and Wagon Examiners and their scales of pay are :—

45—5—60 Non-English speaking.

45—5—70 English speaking

All the posts are held by Indians.

(4) There are six class I Company-managed Railways who employ Assistant Train Examiners.

(5) The information available is given below but as stated in reply to this question on the 16th February, 1933, the pay and prospects of the Assistant Train Examiners on one railway cannot be compared with another, due to different systems of working and other causes :—

Railway.	Pay. Rs.	Prospects.
Bombay, Baroda and Central India.	B.G. { 150 135. M.G. { 165—200 110—150 70—100 55—75	
Eastern Bengal ..	..	There are no Assistant Train Examiners.
East Indian ..	25—5—40	(a) Before obtaining the last increment as Assistant Train Examiner, viz., Rs. 40, they must possess a certificate of passing the Train Examiners course Division III or higher in the Asansol Training school. (b) Assistant Train Examiners on the maximum pay rise by gradual promotion to train examiners grade IV (Rs. 55—5—95) and to Train Examiners' Grade III (Rs. 100—10—150) on vacancies arising in such grades provided they possess certificates of passing the train examiners' course Division II or higher and Division I respectively in the Asansol training school. (c) They may be promoted to Train Examiners' grade II provided they have outstanding abilities in which case their merits are considered along with those of apprentices from the shops.

Railway.	Pay. Rs.	Prospects.
		(d) Suitable men with the necessary qualifications are eligible for promotion to the higher subordinate supervising grades rising to Rs. 475.
South Indian ..	..	There are no Assistant Train Examiners.
North Western ..	..	There are no Assistant Train Examiners.
Assam Bengal ..	35—3—50	An Assistant Train Examiner may become eligible for promotion to junior train examiner rising to a maximum of Rs. 75 and a senior Train Examiner rising to a maximum of Rs. 90. From among the senior Train Examiners a selection is made for the post of Head Train Examiner when a vacancy occurs, the maximum pay of which is Rs. 150.
Great Indian Peninsula	28—5—38—4—42 (at outstations). 35—5—55 (in the island of Bom- bay).	Assistant Train Examiners with fair educational qualifications are given an examination in English and Arithmetic, and, if passed, are posted as Train Examiners at Train Examining Stations in grades of pay rising from Rs. 65 to Rs. 245 as vacancies occur.
Madras and Southern Mahratta.	100—10—130 .. 85—5—90—10— 100. 30—4—50—5—80.	Assistant Train Examiners are eligible for promotion to the grade of Train Examiners on the following scales of pay :— 255—10—285. 240—10—285. 215—10—235—5—240. 195—10—215. 170—10—190—5—195. 150—10—195. 150—10—170. 130—10—150.
Burma ..	..	Assistant Train Examiners are designated Assistant Carriage and Wagon Examiners. Assistant Carriage and Wagon Examiners may rise to Carriage and Wagon Examiners in the following grades :— 75—5—85 75—5—100 100—10—120 110—10—130 120—10—150 160—10—250—15—280—20—300. According to station.
		Specially suitable men can rise to Assistant Foreman Rs. 200—250 and Carriage and Wagon Examiners 140—10—160.
Bengal and North West- ern and Rohilkund and Kumaon.	26—60 60—100.	There is a Carriage Examiner grade of Rs. 100—210 for men possessing technical ability.

## BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

**SECRETARY OF THE COUNCIL :** Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to amend the Workmen's Compensation Act, 1923, which was passed by the Legislative Assembly at its meeting held on the 28th August, 1933.

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### CONGRATULATIONS TO THE HONOURABLE SIR HORMUSJI MEHTA.

**THE HONOURABLE THE PRESIDENT :** Honourable Members, it is my privilege to offer the congratulations of this House to one of our Honourable Colleagues, Sir Hormusji Maneckji Mehta, on the conferment of a Knighthood on him by His Majesty the King-Emperor. I am sorry that Sir Hormusji is not in his place here today as he is engaged on more important work as a Substitute Delegate at the League of Nations at Geneva. I am voicing the feelings of all here when I say that Sir Hormusji rendered very valuable service during the time he has been a Member of this House. He was always regular in his attendance and on financial questions was of great help and assistance to the Council and the Government. I shall, with your permission, convey to the Honourable Member the congratulations of this House on his well-deserved distinction. (Applause.)

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### MOTION FOR THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

**THE HONOURABLE MR. J. A. SHILLIDY** (Industries and Labour Secretary): Sir, I move :

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Broadcasting', dealt with in the Department of Industries and Labour."

The motion was adopted.

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### MOTION FOR THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

**THE HONOURABLE MR. T. A. STEWART** (Commerce Secretary): Sir, I move :

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

**THE HONOURABLE THE PRESIDENT :** As regards both these motions, nominations for the Standing Committee for subjects other than "Roads" and "Broadcasting," and for subjects in the Department of Commerce will be received up to 11 A.M. on Monday, the 4th September, 1933.



## INDIAN ARBITRATION (AMENDMENT) BILL

THE HONOURABLE MR. J. BARTLEY (Government of India: Nominated Official): Sir, I move that leave be granted to introduce:

"A Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose."

The purpose of this very small Bill, Sir, is explained clearly in the statement of objects and reasons which is annexed to the Bill. Briefly, it is to remove from section 19 of the Indian Arbitration Act the phrase "the Court" which has been found to give rise to a certain amount of doubt whether a Presidency Court of Small Causes is empowered under that section to take the necessary action to stay proceedings in a matter which falls within an agreement to arbitrate. This doubt has arisen owing to the definition of the phrase "the Court" at the commencement of the Act and the object of this Bill is to remove that doubt and to substitute for the expression "the Court" another expression which will make it clear that the Act does empower other Courts than the High Court and the District Court to stay proceedings in such matters. That, Sir, is the object of this Bill. I move.

The motion was adopted.

THE HONOURABLE MR. J. BARTLEY: Sir, I introduce the Bill.

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## CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move for leave to introduce a Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose.

The motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I introduce the Bill.

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## DEATHS OF RAJA BIJOY SING DUDHORIA OF AZIMGUNGE, BENGAL, AND MR. C. H. F. PEREIRA.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, I have to make mention of the death of Raja Bijoy Sing Dudhuria of Azimgunge, Bengal, a citizen of Calcutta, and a prominent leader of the Jain community. The late Raja was a Member of the Council of State from January, 1930 till the dissolution of that House and again from January, 1931 to the date of his resignation owing to ill-health towards the end of 1932.

We have a vivid recollection of our late colleague who was a most pleasant companion, a devoted friend and a conscientious man of public affairs, endowed with a pleasant, lovable temperament. He had remarkable social gifts; and his peculiar oriental culture, a beautiful blend of religion and tolerance, orthodoxy and breadth of outlook, contributed to the making of a most striking

personality. His death at an early age has deprived Bengal of a sane and sober politician and prominent leader of the Jain community and this House of a most valuable member. He was Chairman of the Azimgunge Municipality for over 15 years, an Honorary Magistrate and member of the Murshidabad District Board for many years. The title of Raja was conferred on him as early as 1908.

The House deplores his loss, and would, I am sure, Sir, like you to convey its condolences to the family of the late Raja.

\*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, we, on this side of the House associate ourselves with every word which has fallen from the Leader of the House and we desire to convey our sense of loss to the members of the bereaved family.

THE HONOURABLE THE PRESIDENT: Honourable Members, I wholeheartedly endorse every word the Leader of the House has said regarding the late Raja Bijoy Sing Dudhuria. Many Honourable Members came in contact with the late Raja and found him to be a very amiable, straightforward and honest man. His services in this Council were of an exceptional kind. He was always useful and his deportment was full of dignity, and in dealing with resolutions he gave his support and adhesion in a most straightforward and just manner. As it is the wish of Honourable Members, I will convey to his widow and children the sympathy and condolence of this Council.

Before I resume my seat I wish to refer to another tragic event which has caused a loss to the Legislative Department—I am referring to the death of the late Mr. C. H. F. Pereira, Assistant Secretary of this Council. He was not a Member of this Council but Honourable Members who have been in Council during the last few years will bear me out when I say that the deceased rendered valuable services not only to the Legislative Department but to the Honourable Members of this Council. He was always ready and willing to render all possible assistance to Honourable Members and to give them information on all points and he made himself so exceedingly popular that when he left India to study for the Bar in England he was greatly missed in the Council. He had just passed all his examinations and was about to return to this country to retire and settle down in practice when his tragic end came. He died very suddenly and we all regret his untimely death. I shall also with your permission convey to his bereaved widow the deepest sympathy and condolences of this Council.

#### STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, as Honourable Members are aware, Thursday, the 31st August has been allotted for the discussion of two Motions, one relating to the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden and the other to the Order in Council of His Majesty, dated the 17th December, 1931, imposing dues in respect of certain lighthouses and a buoy specified therein.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

Monday and Wednesday next the 4th and 6th September are days allotted for non-official business, and I venture to suggest that it would probably be convenient for the Council to meet on Tuesday, the 5th September for the transaction of official business when the two Bills introduced today can be taken up. . On this day we may also include in the List of Business the consideration and passing of any Bills which may be received from the other Chamber and laid on the table before the 4th September.

THE HONOURABLE THE PRESIDENT: Before I adjourn the Council I will remind the Council that His Excellency the Governor General will address the Members of both the Houses tomorrow at the Assembly Chamber.

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The Council then adjourned till Eleven of the Clock on Thursday, the 30th August, 1933.

## COUNCIL OF STATE.

*Wednesday, 30th August 1933.*

### ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

**HIS EXCELLENCY THE VICEROY:** Gentlemen, it is a great pleasure to meet you, the Members of the Indian Legislature, once again and to welcome you to the labours of another Session. May I in the first place congratulate both my old friends Sir Maneckji Dadabhoy and Sir Shammukham Chetty upon their elevation to the very important offices which they now occupy, as this is the first occasion upon which I have addressed you since their election as Presidents of the Council of State and Legislative Assembly respectively. I offer them both my best wishes in the execution of their functions and responsibilities.

It is now my duty to give you an account of current affairs since last we met in Delhi, and in doing so it will not be necessary for me to keep you from your Parliamentary labours for so great a length of time as I have done on previous occasions, for I am glad to say that I think I can fairly claim that general conditions in India today are more satisfactory in many ways than they have been for a considerable period, and consequently there are fewer matters of a controversial nature for me to bring to your notice. And I should like very sincerely to thank you for your share in bringing this about, not only by the sound and steady judgment which you have generally shown in the debates which have taken place in both Houses, but also by your votes on the many important matters which have come before you. Criticism there certainly has been—criticism there should be—fair criticism is of value to any Government and I am sure I can rely on my Government receiving from you that same fair and helpful criticism during the present Session as they have received in the past thereby assisting them to work for our common purpose—the increasing welfare of your country.

In regard to Foreign Affairs, I am happy to be able to inform you that cordial relations continue to be maintained with all our neighbours. You will, however, regret to learn that a rebellion which broke out this spring in the Sinkiang Province in China against Chinese rule has resulted in the murder of a number of British Indian subjects and of certain loss in property. Much though I deplore this loss of life, I am glad to be able to record that the presence of His Majesty's Representative at Kashgar has been of considerable effect in minimising the danger to British Indian subjects and that he is making every endeavour to bring about the arrest and punishment of the perpetrators of these crimes.

The long standing disputes between the Afghan and British tribes on the Kurram border have recently been satisfactorily settled through a joint

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Indo-Afghan Commission, the result of which will, I trust, ensure the peace of this portion of the border for a considerable time to come.

I must now refer to certain events on the North-West Frontier Province which have recently been creating a considerable amount of interest. I wish from the outset to emphasise that we as a Government are responsible for maintaining friendly relations with our neighbours and for preserving law and order within the confines of India. In view of the recent constitutional changes in the North-West Frontier Province and the coming changes in India as a whole, it is particularly important that these responsibilities should be faithfully discharged.

In the particular case to which I refer the Government of India received information that certain ill-disposed persons had arrived in Bajaur, who were likely to prove not only disturbers of the peace within our Frontier, but also a source of grave embarrassment to our neighbours across the Border.

We have already had experience of the extent of trouble such agitators are capable of causing by events which occurred in Khost earlier in the year and it was clearly the bounden duty of my Government to take any and every step to prevent the recurrence of such incidents. In the meantime, for motives of their own and egged on by hostile agitators, the Upper Mohmands made a sudden and unprovoked attack from their semi-independent territory on one of our most loyal tribes, the Halimzai. Whether the action of the Upper Mohmands was in any way connected with the activities of the agitators in Bajaur it is impossible to say, but realising that this particular portion of the Frontier holds many firebrands, whose main occupation in life is to flout all recognised forms of law and order, and knowing the pace at which infection is likely to spread on the Frontier, I, in consultation with my Government decided that immediate action was imperative.

This action was not forced upon us by any overt rebellion against our own authority, but it was our obvious duty to support our assured clans against unwarranted aggression, and for this reason a column was despatched into the Halimzai country, to support the Halimzai and to afford them some measure of protection. The column was received with professions of gratitude and has had precisely the effect desired. The loyal elements among our clans have been encouraged and fortified, and the hostile lashkars have now dispersed and disappeared.

The problem in Bajaur was not so simple for, owing to the inaccessibility of the villages in which the agitators had taken up their abode, direct action of the nature mentioned above within a reasonable time was impracticable, in fact impossible, owing to the destruction by floods of the bridge over the Panjkora River.

Again, after full consideration, we decided in the first instance to issue notices to certain individual Khans who were known to be harbouring the offenders, demanding their surrender. We even went so far as to offer a reward for their surrender, and to intimate that no action would be taken against them beyond removing them to a safe distance from the Frontier. On the other hand, we made it clear that failing compliance with our orders, the Government would take such action as they considered necessary.

These notices produced no effect; and it was then, and only then, after considering the alternatives open to us, that Air action was instituted against a single small and remote village called Kotkai in which it was known that the principal offender was being harboured.

In view of the criticism which this decision has evoked during the past few weeks, without perhaps a full knowledge of the facts, I wish to make it quite clear that our action has in no way infringed the canons of international law or the dictates of humanity; Air action of this type has been taken on many occasions in the past 12 years without exciting comment or protest. It is not directed against the inhabitants of the villages, much less against women and children; it is never undertaken without the express authority of the Government of India and without due warning; and it seldom results in the destruction of human lives. On the present occasion no loss of human life occurred and as far as we know only one man was injured. Its effect lies in the economic loss inflicted by the destruction of dwellings and by the inconvenience and disturbance caused to normal everyday life.

I can assure you once more that our sole object is to maintain those conditions of peace and good relations on the Frontier which are so essential to the ordered progress of the country as a whole.

Although internal disturbances have, I am glad to say, been less frequent than in the preceding two years, there have been occasions on which the aid of troops has had to be invoked by the civil power. The promptness and efficiency with which the Army and the Royal Air Force have met all calls upon them command my admiration and should, I venture to suggest, be a matter of congratulation to us all. Heavy retrenchments have been made in the Defence Estimates and the search for further economies has by no means been abandoned. Special attention is being paid to certain suggestions that were made by Hon'ble Members in the last Budget debates; but it is becoming increasingly clear that further savings cannot be secured on a scale to compare with the very large retrenchment of the past two years.

The Imperial Council of Agricultural Research has continued to do useful work in the promotion of agricultural research. Since its inception it has been able to allocate funds aggregating 43 lakhs to no less than 49 research schemes most of which extend over a five-year period. There is evidence of an increasing appreciation of the Council's efforts to supplement the work which is already being carried on by the Agricultural and Veterinary Departments of the various Provinces, and at the Central Research Institutes at Pusa and Muktesar. Though in common with other beneficent activities the work of the Research Council has had to be curtailed during the present period of financial stringency, the existence of its Research Fund, which was created in 1929 on the recommendation of the Royal Commission on Agriculture and with your approval, has saved much useful work from interruption. Though my Government has not yet been able to restore the Council's annual research grant of five lakhs, it was found possible, again with your approval, to make a supplementary grant of five lakhs to it last March. This enabled the Council to start a number of useful schemes which were awaiting the provision of funds.

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It is only four years since the Research Council was established and less than three since its first research schemes came into operation, so that it is too early to expect results. But I was interested to observe that at the recent Sugar Conference convened by the Government of India several Provincial Ministers for Agriculture and Industries spoke appreciatively of the work done by the Sugar Technologist and by the Sugar Committee of the Council.

The Council has recently taken on new responsibilities in connection with the development and utilisation of the tariff preferences on agricultural products secured to India by the Ottawa Trade Agreement; and rightly so, for unless Indian agricultural produce is as well-handled and graded, and of as good a quality as that of our principal competitors, the full advantage of these important preferences in the United Kingdom will not be realised.

As you are aware, the Whitley Commission made a number of suggestions for the revision of the Factories Act. These have now been examined in detail by the public, by the Local Governments and by my Government and we shall shortly place before you our proposals in the form of a new Factories Bill, designed to replace the Act of 1911 and the various amending Acts passed since that date.

Another measure that you will have to consider is the question of affording protection to Indian States against activities in British India which tend to subvert or to excite disaffection towards their administrations.

It has been represented to my Government that the existing law is inadequate for the purpose, and my Government feel that the Indian States are entitled to a similar measure of protection against unfair and subversive activities in British India as the present law affords to British Indian Provinces. The Indian States have invariably co-operated with the British Government in suppressing activities in their States subversive to the administration of British India, and I feel there is little need for me to stress the desirability of what I may best characterise as reciprocity in this matter, especially when we envisage the proposed Federal Constitution of which States and Provinces will alike be Units.

When I addressed the Legislative Assembly last January, I made a brief reference to certain matters relating to Indians overseas. The hope, which I then expressed, that our representations to the Union Government on the subject of Indian unemployment in Natal would prove fruitful, has been realised. Relief to unemployed Indians is now being given in Durban and Pietermaritzburg. The Commission to enquire into the occupation of proclaimed land by Indians in the Transvaal continues its labours. Our Agent and his staff have been assisting the Indians in the Transvaal to place their views before the Commission. Two recent events in East Africa may be of interest to Hon'ble Members. The Indian community in Uganda has long been desirous to see its representation on the Legislative Council of this territory increased. His Majesty's Secretary of State for the Colonies has announced that a second Indian member will shortly be nominated to the Council. Members are appointed to the Council, not to represent communities but by reason of their fitness to serve the general interests of the country.

Indians in Uganda will, I feel sure, justify the choice, which will now fall on one of them, by using this opportunity to promote the welfare and prosperity of Uganda. In Kenya Indians have decided, without prejudice to their preference for the principle of a common electoral roll, to enter the Legislative Council. The Government of India consider this a wise decision and hope that, by the contribution which this will enable them to make to the common weal of that territory, complete harmony among the different communities may be rapidly established.

It will be remembered that towards the end of the last Session of the Legislature the Government of India were compelled to ask His Majesty's Government that formal notice should be given of their desire to terminate the Indo-Japanese Trade Convention. This serious step was taken with the utmost reluctance and only under the threat of grave injury to many of the indigenous industries of India. Our action was conceived in no spirit of hostility or aggression; it was purely a measure of self-defence and it is regrettable that in certain quarters it has been otherwise construed. The problem with which we were confronted was a difficult one. The depreciation of the currency of Japan relatively to the rupee had given to that country an advantage in Indian markets which rendered competition impossible. Our choice lay between inaction which spelt ruin to many of our industries—and the denunciation of the Convention which had governed the friendly trade relations of India and Japan for so many years. No other practical solution offered itself and notice of denunciation of the Convention was therefore given, and the Convention will expire on 10th October next.

Though by the denunciation of the Convention and by the passing of the safeguarding of Industries Act we have taken power to protect our own interests, we have nevertheless been ready at all times to consider any alternative solution that might be put forward. We ourselves were fully conscious of the disadvantages of a discontinuity in our treaty relations with Japan, and I am happy to say that, as a result of preliminary conversations, a Delegation from Japan will shortly arrive in India with a view to the negotiation of a fresh trade agreement. I take this opportunity of welcoming the representatives of Japan now on their way and of expressing the earnest hope that a solution may be found satisfactory to all the parties whose interests are involved. The fact that these negotiations will take place in Simla between the Government of India and the Government of Japan is one of great significance for India.

Of significance too is the fact that India is to be the scene of a tripartite conference between the textile industrialists of India, Lancashire and Japan. In this conference the Government of India will not take part, but they would welcome any agreement consonant with the welfare and interests of India as a whole.

You will be invited to give legislative sanction to the agreement that has been reached between the tea growers of India, Ceylon and the Netherlands East Indies. The Restriction Scheme which they have themselves evolved is as yet in its initial stages and it is perhaps too early to proclaim it a success, but it has already engendered in the trade a very welcome feeling of buoyancy and confidence.



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I now turn to the question of Finance about which in these times of unparalleled uncertainty it is necessary to speak with caution. I think it is fair to say that on all sides there is a feeling of greater confidence and that it is possible to detect signs of definite improvement in many directions. The World Economic Conference, though it failed to produce any agreed plan of co-operation, has at least done much to clear the air, while the discussions between the Empire countries in which India's representatives took a prominent part led to a declaration of a monetary policy which justifies the hope of an improvement in the sterling prices—and therefore also in the rupee prices of commodities.

So far as our budgetary position is concerned, it is too early yet in the year to make any reliable forecasts. The results for the four months to the end of July are interesting. Exports of merchandise show an increase of about Rs. 7½ crores over last year, while imports of merchandise are lower by about Rs. 11½ crores. The result is that customs receipts to date are disappointing, but on the other hand India's favourable balance of payments has been much larger than last year, and Government has been able to remit exceptionally large amounts of sterling—over Rs. 19 crores as compared with less than Rs. 1½ crores at the same period last year.

The reduction in imports may signify that India is relying more on her own industrial production, and this combined with the increase in the favourable balance of payments can be interpreted as signs of strength in the intrinsic position of India. But it also shows how such an improvement in the general position, and in particular how the replacement of dutiable imports by Indian manufactures, may actually increase the budgetary difficulties; so that we cannot contemplate any relaxation in our policy of rigorous economy in recurrent expenditure.

In the meanwhile it may be said that our position remains one which compares favourably with that of any other country. The credit of the Government stands high and the favourable results as regards remittance have a significance at the present juncture to which I wish to call special attention. These remittances have enabled us so to strengthen our sterling balances that if this position continues we shall have made the provision of adequate external reserves for setting up a Reserve Bank an immediate practical possibility.

This brings me to a question which will be of close interest to you—not only from the financial, but also from the constitutional standpoint—that of early legislation for the setting up of a Reserve Bank. I have been particularly glad to note the most satisfactory course of the discussions in London on this subject at which the Indian Legislature was strongly represented and which has resulted in the production of a unanimous report. I should like to take this opportunity of expressing my appreciation of the valuable service rendered by the Members of the Legislature and other Indian representatives in these discussions. With this report to guide us, we propose to introduce a Bill into the Legislature this Session and to proceed to the stage of recommending to you that it should be referred for detailed examination by a Select Committee of both Houses. If this procedure is approved by you, it is our intention to

arrange for the further stages of the Bill as reported by the Select Committee to be taken at a special Session to be convened in the latter half of November. It is our earnest desire to proceed as expeditiously as possible with the inauguration of the Reserve Bank in view of its importance in the general constitutional plan, and, with your help, on which I now feel that I can confidently rely, combined with the improvement of our position as regards external reserves to which I have already called attention, I have every hope that it will be possible to have the Reserve Bank successfully functioning well in advance of the earliest possible inauguration of the new constitution.

Before leaving the field of Finance, there is one other matter which I must mention. One practical result of the World Economic Conference was the conclusion of an agreement between the representatives of the countries interested in silver, the details of which have already been fully reported in the press. We believe that this agreement will operate to the substantial advantage not only of India but of the other countries concerned, while it offers the further great advantage of removing what was a cause of friction and misunderstanding between this country and the United States of America. This agreement is subject to ratification by the Legislatures of the various countries concerned, and it will be put before you for your consideration at the earliest convenient opportunity.

When I addressed you in February last I ventured to express the belief that the march of events would gradually carry the leaders of the civil disobedience movement further and further away from the sterile methods of negation and obstruction, and that they would find themselves caught up in the living forces of constructive politics which the near approach of the new constitution is releasing on all sides. I think that what has happened in the last few months has borne out that belief. It is true that civil disobedience still maintains a precarious existence through the personal influence of its author, but the popular judgment has really discarded it, and the pathway to happier conditions is broadening out before us. The minds of men and women are turned in the direction of constructive work rather than of continuing an unmeaning struggle. I hope we can feel that an unhappy page in the history of the country has been turned over, and that advanced political thought in India can henceforth address itself to the problems of the future. In that new India to which we are advancing there is need, and there will be scope, for the co-operation of many diverse elements. I believe that those whose main political outlook is usually summed up in the word "nationalist" will find in the new constitution satisfaction for their claim that the centre of gravity in the Government should be shifted unmistakably from the officials to the representatives of the people, and will discover ample scope for new activities and new policies in dealing with the many urgent social and economic problems that confront the country. The conservative elements will also have their part to play, as they have in every country, balancing enthusiasm with caution and ideas with facts. The struggle, for we can never get away from struggles in politics, will be no longer between those who would break and those who would uphold the law, or between those who would maintain and those who would destroy the British connection, but it will be a struggle between different policies for meeting the practical problems that face

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us, problems that have perhaps never been in any age so insistent and so complicated as they are now throughout the world. Out of that struggle will emerge, I hope, solutions that will truly advance the welfare of the peoples of this great country.

The improvement in the situation in Bengal in regard to the terrorist movement of which there were some signs last February has, I am glad to say, continued, and there has been no serious outrage in recent months. But the movement, though checked, is still active. It would be the greatest mistake to suppose that these subterranean forces have yet been overcome or that there can be any relaxation of the steady and unrelenting pressure to which, in conjunction, I hope, with an improved, convinced and active public opinion, they will in the end yield. The success which has been so far achieved in Bengal has been due to an unswerving resolution on the part of the Government of Bengal that this menace should be faced and beaten, and to the admirable efforts made in pursuance of that policy by the servants of Government, both civil and military, and the effective co-operation of all those who have been engaged in this campaign. It was a matter of great satisfaction to me that His Majesty the King-Emperor recently conferred a special mark of his appreciation on two officers, one civil and one military, whose work has been most valuable in securing the great improvement which is evident in conditions in the Chittagong District.

But while conditions in Bengal are slowly improving, we have had a reminder recently of the manner in which the infection of these poisonous doctrines may spread to parts of India which have hitherto happily been free from this form of crime. Recently terrorist outrages or attempts at outrages have occurred in the Madras Presidency. I am glad to think that the prompt and effective action of the Madras Government and Police has succeeded in dealing with this development in its initial stages, and I have no doubt that the people of Madras will give all possible co-operation to the authorities in their efforts to prevent the youth of the Presidency becoming tainted with these disastrous doctrines, doctrines which are essentially alien to the culture of the people among whom it is sought to propagate them.

When last addressing you on the question of Constitutional Reforms, the third Round Table Conference had concluded its session, and with feelings of keen anticipation we were awaiting the presentation to Parliament of the proposals of His Majesty's Government. I have frequently described the progress of the Reforms discussions of these past years in terms of the stages of a journey. The publication on the 18th March of the Indian White Paper marked so definite a stage that I feel I can well ask Hon'ble Members to look back for a moment to the stages we have covered before they cast their eyes forward to those which lie ahead. When the Government of India Act of 1919 was passed, Parliament recognised that the constitution then given was transitional and made provision for its review. By virtue of that provision the Indian Statutory Commission was appointed and its labours opened the way to the great developments which followed the publication of its report. The first Round Table Conference will for all time hold an honoured place in the constitutional history of this country, for it was at that Conference that the conception of bringing this great continent within the embrace of an all-India Federation was first brought within the range of practical politics. That ideal

we have since held consistently before us. It is now the corner-stone on which we have built. Each of the two succeeding Conferences made its own particular contribution to the completion of our task, and the intervals were occupied with expert enquiries into one aspect or another of the many difficult problems inherent in so great a constitutional change. When I look back over this period of preparation, my confidence in the future is stimulated by the encouragement I derive from that splendid spirit of common endeavour, which has throughout inspired the free exchange of views between the representatives on the one side of His Majesty's Government and on the other side of British India and the Indian States. Compressed within the pages of the White Paper there lie the evidences of this collaboration, in which by the help so readily given the Indian representatives have played so notable a part.

While the Joint Parliamentary Committee has been at work in London, but without prejudice to its conclusions, my Government has set up a Committee of officials and non-officials to consider administrative problems relative to the separation of Orissa. It is intended also to set up a similar Committee for Sind to assemble and start work early in the coming cold weather.

The White Paper is now in the hands of the Joint Parliamentary Committee. Its terms of reference charge the Committee with the momentous responsibility of considering the future Government of India and, in particular, of examining and reporting upon the proposals in the White Paper. We have all followed with close attention the reports appearing in the press of the Committee's proceedings, and, conscious of what Indian co-operation has achieved in the past, I rejoice to think that Indian opinion is again given the fullest opportunity to make itself felt at this last and formative stage when the work that has been done comes finally before Parliament for decisions to be taken. No part of the Committee's proceedings has given me greater pleasure than the generous acknowledgments by Indian delegates of the great contribution made to the discussions by the Secretary of State, who in the course of his evidence displayed a grasp of these great constitutional issues which evoked tributes from representatives of all sections of opinion in the Committee. Early in October the Committee will reassemble and resume its labours. I would ask Hon'ble Members to join with me in wishing the Committee and its collaborators an early and successful conclusion to their great work of investigation, scrutiny and review before the Committee places its own recommendations before Parliament for consideration.

In conclusion, let me turn for a moment to the future. If we are to ensure the rapid progress which we all desire in the way of Constitutional Reforms, we must create the atmosphere in which that progress can develop. Little can be done by Government alone. An equal responsibility must lie upon Hon'ble Members themselves and other leaders of political thought in India to whom we must look to use their influence by their speeches, by public meetings and propaganda to see that the electorates of the future are made fully aware of the great advance we are striving to achieve through the White Paper proposals. I appeal to you, therefore, with all the sincerity at my command, to take up this responsibility with courage and energy so as to help your country forward to the attainment of her ultimate goal as an equal partner in the shaping of the destinies of the British Empire.



## COUNCIL OF STATE.

*Thursday, 31st August, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### QUESTIONS AND ANSWERS.

#### CAPITAL OF THE UNITED PROVINCES.

121. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :  
(a) Have the Government of India recently received a memorial from a large number of residents of the province of Agra against the gradual removal of Government offices from Allahabad to Lucknow by the United Provinces Government ?

(b) What steps, if any, do the Government of India propose to take in the matter ?

THE HONOURABLE MR. M. G. HALLETT : (a) The Government of India received such a memorial, which was returned, as it had not been submitted in accordance with the rules.

(b) The Government of India are not aware that there has been any recent change in the relative positions of Allahabad and Lucknow and they do not consider it necessary to take any steps in the matter.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Is the Government aware that it causes unnecessary delay and proves much expensive to keep the offices at Allahabad when the Local Government practically stay at Lucknow for the whole of the winter season in connection with meetings of the Legislative Council ?

THE HONOURABLE MR. M. G. HALLETT : I am afraid I have no personal experience of the United Provinces. I cannot say whether the statement made by the Honourable Member is correct or not.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will the Government be pleased to advise the United Provinces Government to transfer all offices to Lucknow in the interests of good administration and economy ?

THE HONOURABLE MR. M. G. HALLETT : It seems to me to be entirely a matter for the Local Government to decide. I am not quite certain what the legal position is under the present constitution ; certainly under the future constitution it will be purely a provincial matter to settle where the headquarters of a Provincial Government ought to be located.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Am I to understand that the Government of India are not going to take any steps in the matter till the new Constitution comes into being ?

**THE HONOURABLE THE PRESIDENT:** The Honourable Member has already answered that question.

**EXPULSION OF FOUR CHETTIAR BANKERS FROM INDO-CHINA.**

**122. THE HONOURABLE MR. HOSSAIN IMAM** (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad): (a) With reference to the expulsion of four Chettiar bankers from Indo-China and the statement made by the Foreign Secretary in the Legislative Assembly in the last session will Government be pleased to state what has been the ultimate result of the British authorities' intervention in the matter?

(b) Is it a fact that a number of insolvencies occurred in Indo-China which led the Government to issue instructions to the courts to grant some sort of moratorium to the debtors; that after these instructions had been withdrawn the Chettiar bankers and other creditors took recourse to the law courts for the execution of decrees; that the French Government asked the Chettians to accept 20 or 30 per cent. of the dues and write-off the rest of the debts; and that on their refusal to do so four of them were asked to leave the country?

(c) Have the Chettiar bankers been allowed to return to Saigon as a result of the efforts of the Government of India?

(d) If not, what do Government further propose to do in the matter?

**THE HONOURABLE MR. B. J. GLANCY:** (a), (c) and (d). As a result of the representations made by His Majesty's Government on behalf of the Government of India, the Governor General of Indo-China has rescinded the expulsion orders issued against two of the Indian bankers, who had not yet left the country. Negotiation between the Government of Indo-China and the Indian bankers are continuing and it is hoped that they will result in an amicable arrangement. The latest reports from Saigon indicate that the French authorities while unwilling for the present to rescind the expulsion orders passed against the four Chettians who have actually been deported are prepared to allow them to return to Cochin China on safe conduct and to resume their business.

(b) The facts appear to be much as stated by the Honourable Member.

**RECOMMENDATIONS OF THE DEPARTMENTAL ENQUIRY COMMITTEE ON TELEGRAPH ESTABLISHMENT.**

**123. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** (a) Will Government be pleased to place on the table a copy of the report of the departmental enquiry committee regarding telegraph establishment appointed in September, 1932 under the Chairmanship of Mr. S. P. Verma?

(b) What recommendations, if any, have been accepted by Government and when will they be given effect to?

**THE HONOURABLE MR. J. A. SHILLIDY:** (a) As a copy of the report has already been placed in the Library of the Central Legislature, Government do not consider it necessary to lay a copy on the table.

(b) Action on the recommendations of the Committee has been postponed pending the receipt of the views of the representative telegraph service organisations.

**TRANSFER OF TERRORIST PRISONERS TO THE ANDAMANS AND THEIR TREATMENT THERE.**

**124. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Will Government be pleased to state :

- (a) Number and names of political prisoners and detenus sent to the Andamans during the last three years from each province ?
- (b) Date from which this practice has been started and the reasons, if any ?
- (c) Whether they are kept separately or with other prisoners ?
- (d) Whether they are given special diet ? If so, what ?
- (e) Whether they are required to do any work ? If so, what is the nature of the work ?
- (f) Whether they are allowed to interview their relations and friends ? If so, with what restrictions ?
- (g) Whether they have freedom to read and write ? If not, with what restrictions can they do so ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) and (b). No detenus have been deported to the Andamans. Only prisoners convicted of terrorist offences have been sent there. The first batch of these prisoners was sent in August, 1932. I am unable to give any detailed information in regard to these prisoners. The reasons for their transfer were stated in the communiqué issued on June 13th, a copy of which I laid on the table in reply to the Honourable Mr. Vinayak Vithal Kalikar's question No. 13.

- (c) They are confined in the Cellular Jail, entirely separate from other prisoners.
- (d) A certain number of Bengali cooks have been transferred to the Andamans to cook the food of the Bengali prisoners. As far as circumstances permit the prisoners will receive the diet admissible to the class in which they were placed in Bengal.
- (e) Each prisoner is allotted work suited to his capacity.
- (f) The rules permit one interview every three months subject to good behaviour.
- (g) Yes, in accordance with the jail rules.

**DISALLOWANCE BY THE GOVERNOR OF BURMA OF DISCUSSION OF THE QUESTION OF SEPARATION OR FEDERATION.**

**125. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** (a) Has the attention of Government been drawn to the speech of His Excellency the Governor of Burma in the Legislative Council forbidding the raising of the question of separation or federation on the Hoare Memorandum ?

- (b) If so, will Government be pleased to state whether this has been done with the consent and approval of the Government of India ?
- (c) What are the reasons for this action ?



THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
(a) I have seen a press report of the speech referred to.

(b) and (c). The matter is within the discretion of the Governor. The Government of India were not consulted.

#### BOMBING BY AIR OF KOTKAI.

126. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (1) Will Government be pleased to state the gravity of the situation which led to bombing by air of Kotkai on the borders of Afghanistan on the 1st August, 1933 ?

(2) Will Government be pleased to state as follows :

(a) The number of days Kotkai was bombed ?

(b) The number of air machines employed for the purpose ?

(c) The number and weight of bombs dropped ?

(d) The number of persons -male, female and children, killed ?

(3) What will be the total cost of Kotkai operations ?

(4) What military force was despatched from other places to meet the situation ?

(5) Has the attention of Government been drawn to the protests of the two British papers as well as Mr. Lansbury's letter to the *Times*, calling on Christian Churches to repudiate "this outrage against God and humanity" ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (1) The Honourable Member is referred to the statement on this subject made by His Excellency the Viceroy in his address to both Houses of the Legislature yesterday.

(2) (a) Three (August 1st, 3rd and 4th).

(b) Twenty-four machines, 12 on the first day and six on each of the two subsequent days.

(c) Ninety bombs, weighing 10,788 lbs.

(d) As far as can be ascertained after the most careful enquiries possible, no one was killed and only one man was slightly injured.

(3) The total cost of the air operations amounted to under Rs. 15,000. No other action has been, or is at present being taken in Bajaur.

(4) It was necessary to rebuild the bridge over the Panjkora river at a place called Balambat in case land operations became necessary. One brigade was moved up to protect this work from attack.

(5) Yes.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : With reference to the answer to part (2), may I know how the Government was in a position to ascertain that by these 90 bombs no one was killed ?

**THE HONOURABLE THE PRESIDENT :** The question does not arise and it is moreover frivolous. The department which is concerned with the business, the Military Department, know how to ascertain the information in regard to what they have said.

# INTEREST OF LANDHOLDERS OF PERMANENTLY SETTLED TRACTS IN THE NEW CONSTITUTION.

**127. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :** Are Government aware of the feeling prevailing amongst the landholders of permanently settled tracts of the country that safeguards should be provided in the new Constitution against any attempt, direct or indirect, to interfere with their rights and interests? If so, what measures do they propose to take in the matter?

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** Government understand that this matter has been brought to the notice of the Joint Select Committee by representatives of landholders' interests.

## SHORT NOTICE QUESTION AND ANSWER.

### RELEASE OF MR. GANDHI.

**128. THE HONOURABLE MR. HOSSAIN MIAM :** Will Government kindly give the following information about the release of Mr. Gandhi :

(a) Did the Government of India or the Bombay Government allow him facilities for Harijan work in jail?

(b) Did the Government of India or the Bombay Government refuse further facilities?

(c) Did the Government of India or the Bombay Government offer him the terms of release?

(d) If the Bombay Government was responsible for all these, did they do so independently or in consultation with the Government of India. Is it a fact that Mr. Gandhi was released without the sanction of the Government of India, under orders of higher authorities?

**THE HONOURABLE MR. M. G. HALLETT :** (a) and (b). The orders as to the facilities for Harijan work which should be allowed to Mr. Gandhi during his imprisonment and as to those which should be refused were issued by the Government of Bombay with the full approval of the Government of India and the Secretary of State.

(c) Similarly, Mr. Gandhi was informed by the Government of Bombay with the full approval of the same authorities that Government were prepared to set him at liberty if he was willing to abandon all civil disobedience activities and incitements.

(d) In view of the answer to (a), (b) and (c), the first part of the question does not arise. The release of Mr. Gandhi, when as a result of his fast he was approaching the danger zone, was made with the full approval of the Government of India and the Secretary of State. There is no truth in the suggestion

that it was sanctioned by the Government of Bombay, without the approval of the Government of India, under the orders of higher authorities.

### MOTION *RE* FUTURE ADMINISTRATION OF ADEN.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, I beg to move:

“That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden be taken into consideration”.

This motion is being moved in order to discharge the obligation that the Government had incurred when the question of the separation of Aden from India was raised in this House and in the other House some years ago. Those Honourable Members who have been in this House for some years in the past will remember that a Resolution on the subject was moved by the Honourable Sir Phiroze Sethna and discussed at considerable length on the floor of this House. The Government at the time adopted the policy of neutrality in the matter and the debate was conducted on that Resolution by the non-official Members. The Leader of the House at the time wound up the debate by stating that Government did not want to take part in the debate and that Government as well as the official Members were not going to vote on the Resolution. I have no doubt it will be the desire of the House that the Government should adopt the same attitude when the same subject-matter is being discussed now. With your permission, Sir, I may state that Government has already decided to adopt the same policy in the matter of the discussion of this subject.

I should, however, like to make one point clear before I resume my seat. It is this. I have no doubt the Honourable Members have carefully studied the communiqué referred to in the motion wherein the conditions under which His Majesty's Government at present contemplate dealing with this question are set forth and the first condition is that—

“India will be relieved of the annual contribution of approximately Rs. 20 lakhs at present payable towards the military and political administration”.

The question arises, who is going to pay this money instead of the Government of India? In some quarters it has been felt that the people of Aden may be called upon to pay this Rs. 20 lakhs. I am authorised, Sir, on behalf of Government to state that His Majesty's Government do not in any way contemplate muleting the Aden people to the extent of this sum. As a matter of fact, His Majesty's Government have decided to contribute this sum themselves in place of the Government of India. So I trust this statement will satisfy those who represent the Aden people's point of view. Having made this one point clear there is hardly anything more for me to add, Sir, except to state that I will be listening with great interest to the ensuing debate and it will be only in case there are any flagrant mis-statements of fact or misapprehension of the Government attitude that I or any of the official Members will be called upon to speak with the object of clearing up the misapprehension.

THE HONOURABLE THE PRESIDENT: Motion moved:

“That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden be taken into consideration”.

Before the debate proceeds I wish to point out that we have received three so-called amendments which are in the nature of alternative propositions or substituted propositions. Two of them have not been received in time and they are barred under Standing Order 64. However, as the matter is of very great importance, I propose to suspend the operation of the Standing Order and permit the introduction of both the substituted propositions of Rai Bahadur Lala Mathura Prasad Mehrotra and Sir Phiroze Sethna. I wish, however, to point out that I do not propose to stick to the order in which these substituted motions appear on the paper. I propose to give precedence to Sir Phiroze Sethna's substituted motion because it is more definite and comprehensive in character than the other two, and it is the privilege of the Chair to exercise its discretion in the matter and I wish to give precedence to the motion of Sir Phiroze Sethna. As regards the other two motions I will, immediately Sir Phiroze Sethna has addressed the House, call upon the two Honourable Members and leave it to their good judgment to consider whether they will press their amendments or not, because in my opinion their motions are fully covered by Sir Phiroze Sethna's substituted motion. I wish also to point out to the House that in case Sir Phiroze Sethna's substituted motion is passed, I shall not put the original motion for consideration again because Sir Phiroze Sethna's motion will be substituted for the motion of the Honourable Sir Fazl-i-Husain. The debate will now proceed. Sir Phiroze Sethna.

**THE HONOURABLE SIR PHIROZE SETHNA** (Bombay : Non-Muhammadan) : Mr. President, I am very grateful to you for allowing my amendment to stand as a substituted motion and also for permitting it in spite of the fact that I was not able to give you timely notice as required by section 64 of our rules. I now formally move my substituted motion which reads as follows :

"This Council after duly considering the Government of India Press communiqué of 20th June, 1933, submits that whilst no longer objecting to the transfer to Imperial control of the political and military administration of Aden as it exists at present, it is definitely of opinion that its civil administration be continued with the Government of India or if thought necessary to be re-transferred to the Government of Bombay, but that such civil administration not be transferred to the Colonial Office."

**THE HONOURABLE THE PRESIDENT** : I would ask the Honourable Member to insert the word "should" after the words "civil administration"; also to substitute the word "should" for "to" after the word "necessary"; and also in the last line to insert the word "should" after the word "administration".

**THE HONOURABLE SIR PHIROZE SETHNA** : I am perfectly agreeable, Sir.

Mr. President, the Honourable the Leader of the House has told us the object of the motion which he has placed before this Council this morning. He said that it is in accordance with the obligation Government entered into, namely, that the question of the transfer of Aden from the Government of India to the Colonial Office would only be undertaken after the Indian Legislature were given an opportunity of discussing it. For this favour we are very grateful to Government although I may be permitted to point out that on a previous occasion, in spite of similar assurances, Government did not carry out such an arrangement and to which I will refer a little later.

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The Honourable the Leader of the House has referred to the Resolution that I moved in this Council on the 26th September, 1921. It reads as follows :

“ This Council recommends to the Governor General in Council that a representation be made to the Secretary of State for India that the administration of Aden be continued under the Government of India and not be transferred to the Colonial Office ”.

As the Honourable Sir Fazl-i-Husain has told us, on that occasion Government very kindly, and very rightly, requested Government Members not to take part in the discussion or in the voting. We are extremely indebted to the Honourable Sir Fazl-i-Husain for assuring us that the same procedure will be followed in the course of the discussion this morning. The Honourable Sir Fazl-i-Husain added that the then Leader, the late Sir Muhammad Shafi, at the end of the debate surveyed the whole situation and stated that Government were going to observe perfect neutrality in the matter. Sir Muhammad Shafi's words will bear repetition, and therefore, with your permission, I propose to quote them. He said :

“ I can assure the House that the Government of India will take note of the opinions expressed in this House by various Members representing different interests. They will note the fact that Indian sentiment according to the various speakers is entirely opposed to this transfer. They will also take note of the fact, which has been positively stated by the Honourable Mr. Sethna and is endorsed by the Bombay Government that local opinion in Aden as well as in Bombay is also opposed to the transfer. They will further take note of the fact stated by the Honourable Rai Bahadur Lala Ram Saran Das, that in view of the position which Indians at present occupy in different parts of Africa—parts that are under the control of the Colonial Office—Indians would prefer that Aden—their brethren, their countrymen, residing in Aden—should remain under the control of the Government of India rather than that Aden should be transferred to the control of the Colonial Office. All these sentiments which have been expressed in the various speeches delivered by Honourable Members today will, the House may rest assured, be carefully borne in mind by the Government of India. The Government of India have not yet pronounced in favour of this transfer and until they do, no Honourable Member has any right to assume that they are in favour of that proposition. Their position is, as announced by the Honourable the Foreign Secretary, one of benevolent neutrality towards the Resolution moved by the Honourable Mr. Sethna. They prefer to leave this Resolution to the vote of the House. The official Members will take no part in the voting and Government will undoubtedly pay due regard to the final verdict of this House upon the Resolution moved by my Honourable friend ”.

Mr. President, if this was the view that the Council held in September, 1921, I think I am perfectly justified in stating that the Council holds not only the same view today but holds it in a greatly intensified form. (Hear, hear.) Sir, even after 1921, there were occasional reports that Aden was going to be transferred, and in order to make sure on the point, questions were asked both in this House and in another place to which very definite replies were given by Government which I will quote. On 16th January, 1922, the then Law Member, Sir Tej Bahadur Sapru, in the Legislative Assembly said :

“ Government have no intention of arriving at any decision without giving the Assembly an opportunity of discussion ”.

Two years later, on 9th June, 1924, in answer to a question in this House Sir John Thompson, the Foreign Secretary, observed as follows :

“ The matter of the transfer was under the consideration of His Majesty's Government and it was not possible to say when a decision would be arrived at but that before a final

decision was arrived at, the Indian Legislature would be given an opportunity to express its opinion ”.

Such an opportunity, however, was not given to us, and this is where Government committed a breach of faith with the Legislature. On 3rd March, 1927, the then Commander-in-Chief, speaking on the Budget debate, made an announcement which simply staggered the Assembly. It came as a bolt from the blue. His Excellency said that the military and political administration of Aden had been definitely transferred to the Home Government, and this, as I say, without any previous reference to the Legislature. Sir, this was not enough. The announcement went on to add as follows :

“ As Honourable Members are aware, the Settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interests should not go outside the ken of the Government of India. It will accordingly be retained ; that part of the Settlement and the municipality of Aden will remain under the Government of India ”.

I would ask the House to note very carefully that what I am proposing in my motion today is in substance what the Commander-in-Chief announced as I have just stated.

The Commander-in-Chief's announcements surprised the Assembly and it is no wonder that in both the Houses there was very severe criticism of the attitude of Government in regard to this matter. Not only was the Indian Legislature kept in the dark, but even the Provincial Government immediately concerned, namely, that of Bombay, was entirely in the dark, and that in spite of the fact that the Government of India knew the views of the Government of Bombay on the question. In this House we have official representatives of the different Provincial Governments. We are not often favoured with an opportunity of hearing their voices, and it is only on very rare occasions, and when such Provincial Governments think that it is absolutely necessary in the interests of such Provincial Governments that their view should be placed before the House, that their representatives do get up and talk. Such was an occasion when I moved my Resolution in September, 1921. The then representative of the Bombay Government, the Honourable Mr. Pratt, a Member of the Indian Civil Service, used words which showed the feeling which the Government of Bombay entertained on the question of the transfer of Aden. He said :

“ The transfer of Aden to the Colonial Office is a question in which the Government of Bombay is deeply and closely interested. Towards that question the attitude of the Bombay Government cannot in any circumstances be one of neutrality and I have been authorised to give expression to the provisional views of the Bombay Government at this stage of the discussion of this question. Their position is that they have had very little notice and indeed very little time for the consideration of this question. They have had very little information of the grounds upon which the transfer has been considered. It is also a fact that public opinion both in Bombay and Aden has expressed itself very strongly against the proposed transfer. Very strong protests have been recorded by the trading communities of Bombay and Aden, and for that reason for the present the Bombay Government objects to any change in the *status quo* ”.

Now, Sir, the Bombay Government have not changed their views, as is evident from what followed in the Bombay Council exactly a week after the

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announcement made by His Excellency the Commander-in-Chief in the Assembly. That announcement, as I have already said, was made on 3rd March, 1927. On 10th March, 1927, the Home Member of the Bombay Government, Sir Ernest Hotson, introduced a Bill called the Aden Civil and Criminal Justice Bill in the Bombay Council and in regard to the statement made by the Commander-in-Chief, Sir Ernest said that the announcement came as a surprise to the Government of Bombay as much as to the general public.

"I am obliged to stress this point", said Sir Ernest, "because during the discussion on the Bill both I and my Honourable friend the Chief Secretary assured several Honourable Members that we had no reason to suppose that a transfer was imminent, and indeed pointed to the fact that the Government of India had instructed us to proceed with the Bill as evidence that no immediate change was proposed. The details of the future system of administration at Aden are not yet known to the Government of Bombay, which indeed knows nothing further than what has appeared in the press".

This, Sir, proves my statement that even the Provincial Government most directly concerned with the transfer was kept entirely in the dark.

This was, as I have said in 1927. In January, 1929, when there were fresh rumours of the transfer, questions were again asked and Sir Denys Bray gave a reply which consisted of two sentences which are very pertinent and to which I would respectfully request the earnest attention of Members of this Honourable Council. The first sentence was :

"I repeat my promises that the transfer of Aden from India will not be effected without this House being taken into consultation".

Mark the words "my promises", which I may add were not fulfilled. The next sentence is still more pertinent. He said :

"I hasten to add that all idea of such a transfer has long since been abandoned".

Two years later, when the Aden administration was proposed to be transferred from the Government of Bombay to the Government of India there were also rumours of a subsequent transfer from the Government of India to the Colonial Office. Thereupon those interested in the Aden trade thought it necessary to wait in a deputation on His Excellency the Viceroy. The deputation was a very influential and representative one. It waited on His Excellency Lord Willingdon in November 1931. The deputation pointed out to the Viceroy that it was feared that in all probability the transfer from the Government of Bombay to the Government of India was the thin end of the wedge and that it was but the first step to its subsequent transfer to the Colonial Office. Now, Sir, mark the reply which on behalf of the Viceroy the then Foreign Secretary, now Sir Evelyn Howell, gave to the deputation. He said, as regards the apprehension that the proposed transfer was only a step towards the transfer of control to the Colonial Office, that the present proposals were made solely with a view to improving the conditions and making an end of administrative inconvenience at Aden.

"The proposals were complete in themselves and were made on their own merits without afterthought or ulterior motives of any kind. They were not a step towards any other change".

The deputation at first thought that His Excellency would not take part in the discussion, but His Excellency, in order to allay the fears of the deputation,

himself thought fit to add a few words. He emphatically endorsed the Foreign Secretary's statement regarding the transfer to the Colonial Office that no such suggestion had been considered and undertook that, should it arise in future, all interests concerned would be consulted. The transfer now proposed would make no difference to the commercial relations of Aden with Bombay and, in his opinion, as at present advised, it seemed the wiser course all round.

After an interval of another two years or less the White Paper was published in March last. The only reference to Aden in the White Paper is in four lines, which read as follows :

"The Settlement of Aden is at present a Chief Commissioner's province. The future arrangements for the Settlement are however under consideration, and accordingly no proposals in respect of it are included in this document".

Soon thereafter several British-Indian delegates were sent to London to confer with the members of the Joint Select Committee of Parliament, of whom I was one. After we reached London we learned that there was every chance now of the transfer to the Colonial Office being completed. Some of us delegates therefore thought it advisable to request an interview with the Right Honourable the Secretary of State. He agreed to receive our deputation which was led by His Highness the Aga Khan. We laid our case before him and from what we gathered we understood that he was in sympathy with the view we expressed. But at the same time he pointed out that because there was to be federation in India hereafter, which would consist only of provinces and of Indian States, and because Aden was not a province the question was very difficult. At the same time he hoped that the difficulty might not be insurmountable. How he hoped to surmount the difficulty he did not say, but if I might venture an opinion I think that if Aden continued as before to remain under the province of Bombay perhaps the difficulty could be removed. It is for that reason, Sir, that in my substituted motion I have said that if thought necessary the civil administration of Aden might be re-transferred to the Bombay Government.

Now, Sir, I turn to the press communiqué to which the Honourable Leader of the House drew our pointed attention, and particularly to those points in it which he thought we ought not to ignore in the course of our discussion. In the first place, I will deal with the three points in the communiqué as to why Aden should not remain linked with India. Point No. 1 says that Aden is geographically remote from India. If it is 1,600 miles away from India, the distance between Aden and the Colonial Office is two-and-a-half times that. I will leave it to the House to consider if this argument is sound. The next point is that it would not naturally fit into the new federation. I have already answered this contention by saying that even in the opinion of no less a personage than the Right Honourable the Secretary of State that difficulty is not insurmountable. I now come to the third point, and that is that it is already to some extent under Imperial control. The answer to that is that if it has passed out of our control, it was not with our agreement, it was so done over our heads and in spite of our protests. We are however now quite prepared to concede that for political and military considerations Aden may remain under the Imperial control.



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Then there are six points enumerated in the communiqué according to which Government try to make out that India would not be a loser by the transfer. I will deal with them *seriatim*.

Point No. 1, on which my Honourable friend, the Leader of the House, has laid particular stress is that India will be saved a burden of Rs. 20 lakhs a year. I dispute the figure of Rs. 20 lakhs and I shall endeavour to prove that the figure is not correct. In no case are we expected to pay more than a maximum of £150,000 or, say, Rs. 20 lakhs according to the arrangements made in 1927 and in accordance with the reply given this morning by Government to a question asked by the Honourable Mr. Mehrotra the amount at present is about £119,000 or Rs. 16 lakhs. Now, against this Rs. 20 lakhs Government must set off what the Government of India will lose in the shape of the revenue which it derives from salt and also from income and super-tax. I make out roughly that Government will lose Rs. 10 lakhs under the heads I have quoted. Let me give you the details under the heading Salt. With regard to salt, the Government of India get a royalty of eight annas for every ton of salt exported. According to the latest figures, the export of salt in a period of 12 months amounted to over 280,000 tons and consequently Government will lose Rs. 1,40,000. Government also get ground rent for land where the salt is made which is another loss of Rs. 25,000, or in all Rs. 1,65,000. Again, so far as I can make out, the four salt factories in Aden pay between them income-tax and super-tax to the extent of Rs. 3½ lakhs or more, so that the total of these two items alone exceeds Rs. 5¼ lakhs. I explained that the Government of India will lose Rs. 10 lakhs, and I pointed out how the loss is Rs. 5¼ lakhs or more under salt alone. The difference between Rs. 10 lakhs and Rs. 5¼ lakhs is made up by the amount of income-tax and super-tax under heads other than Salt. My estimate is on the conservative side and perhaps Government may lose more. I am glad that the Honourable the Leader of the House has said that if there are mistakes or misapprehensions in any statements we make he will correct them in the course of his reply and I do hope that he will be good enough to answer the point that I have made.

**THE HONOURABLE THE PRESIDENT :** I request the Honourable Member to be as brief as possible ; he has already exceeded 20 minutes.

**THE HONOURABLE SIR PHIROZE SETHNA :** I shall be very grateful if you will give us some latitude. Government require our views and I am endeavouring to give them. I am very grateful to you, Sir, for the latitude you have already extended to me and I shall be still more grateful if you will give me more time.

**THE HONOURABLE THE PRESIDENT :** I am only asking the Honourable Member to be as brief as possible.

**THE HONOURABLE SIR PHIROZE SETHNA :** I shall be as brief as possible and avoid anything irrelevant.

To come back to the Press communiqué, Item No. 2 says that the right of appeal in judicial cases to the Bombay High Court would be maintained. If they do not allow appeals to be sent to the Bombay High Court, what would happen ? They will have to be sent much further away to London

instead of to Bombay ; or to establish an Appeal Court in Aden which will be a costly process. It is therefore by no means a favour to the Bombay Government or to the Government of India if appeals will be sent to Bombay.

Item No. 3 says that Aden would be made a free port unless some radical change in our present economic situation should take place. All these points have "ifs" and "ands" attached to them for they say "if" there is a change in the economic situation it will not be a free port.

Likewise No. 4 says that the present style of administration would be maintained and they would not impose any additional taxation unless—mark you there is "unless" here again—unless such a course becomes in their opinion absolutely necessary.

I now come to item No. 5. The communiqué says that a proportion of Indian service administrative personnel would be retained in the Aden service—and please note—"a proportion" will be retained and the rest will be sent away, and even the proportion that is retained will be retained "for some years", which means that at the earliest opportunity they will be asked to go away. And what is more important, in the future under the Colonial administration no more Indians will be taken, which will also be some little loss to this country in the matter.

Then there is the last item, which is perhaps the most important of all. It is said no racial legislation or segregation would be permitted by His Majesty's Government. Now, Sir, we have very grave doubts if in spite of this assurance that Government will be able to maintain this promise for long. I will tell you why? His Majesty's Government must carry out a uniform Colonial policy. If they favour and discriminate in favour of Asiatics in Aden, there is bound to be a clamour on the part of Europeans in the other Colonies to which Government will have to yield as they have yielded in the past and they are yielding every day. Therefore these assurances are all paper assurances. They will last only for months or years and the position of Indians in Aden will become the same as the position of Indians in Kenya or other colonies. And that, Sir, is our most serious objection to the transfer. Experience tells us that we have suffered elsewhere and we are bound to suffer here as well, in spite of all promises and pledges to the contrary.

Now, Mr. President, I will in accordance with your wishes be brief, although I have much more material to add. I will enumerate the objections which we entertain against the proposed transfer. They are many, but I will content myself at present with only five.

First. It has been said that we are fighting and agitating against this proposed transfer merely on the ground of sentiment. If we do so, are we not justified? Indians have been in Aden even before the British went there. The British acquired Aden 94 years ago in 1839. Indians were there before that time and because of the encouragement given by British officers more Indians followed the British flag and particularly because they had assurances that Aden would ever remain a part of the Indian Empire. If they at any time, had any doubts on the subject, because of Indian experience in other colonies they would never have sunk their lakhs as they have done in buildings, shipping wharves, salt factories and in other concerns. They control in a great

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measure the trade of the Settlement. It will be no exaggeration to say that the barren rock of Aden with her population of 3,000 inhabitants has been converted into a prosperous port with a population of more than half a lakh by Indian men and money, by Indian resources and enterprise. It is therefore the duty of the Government to give us a patient hearing and to do us justice. We do not want to go under Colonial administration because we know that in that event Indians will have to leave the Settlement for reasons that I will deal with in our second objection to which I now turn.

Near Aden, as the Honourable House knows, is Somaliland. Somaliland was at one time administered by the Bombay Government. So long as it was administered by the Bombay Government, its three ports, Berbera, Bulhar and Zaila, were prosperous. They were going on from strength to strength. After the Somaliland war the Home Government thought it right to transfer Somaliland to the Colonial Office. With what result, Mr. President? These three ports are now practically dead. The population of Berbera has fallen from about 20,000 to 4,000 or less and likewise the others. And why, may I ask? Simply because the Indian traders left these ports and the Arab and Jewish traders followed in their wake. They did so for the same reason, namely, that they did not want to be under Colonial administration. Colonial administration is distinctly costly. Because it is costly taxes have to be raised. The Somaliland ports were almost free ports but soon duties were imposed and increased to meet the higher cost of administration and the result was Indian, Arab and Jewish traders left and the trade of these ports has completely dwindled down. The same must perforce happen in Aden if Aden is transferred to the Colonial Office and I may not be alive but our successors in this House will have occasion to say that I was a true prophet.

In support of our third objection that Colonial administration is more costly let me give just one illustration. When Aden was under Bombay, a representation was made to the Bombay Government that two Indian educational inspectors be replaced by two Europeans with salaries almost if not actually double. Because Education is a portfolio held by a Minister in Bombay, he stoutly opposed this, with the result that so long as Bombay was in charge of Aden, Aden did not get the two European educational inspectors. After Aden was transferred to the Government of India, the request was repeated and granted and two European inspectors have been sent. The same thing will happen in all other departments and in proof of that I may again refer the House to a press communiqué which says that only "a proportion" of the Indians now there will be kept and that too only for a period of years. Now, Sir, talking of the extra cost of Colonial administration, I may say in passing what is thought of it in other parts of the Empire, I mean in other Colonies. I returned from Europe this day last week. On board the P. and O. steamer I came by were some fellow passengers who were civil servants from the Straits Settlements and the Malay States. We were comparing notes with regard to the different civil services. They volunteered the information that their cadre is far larger than should be the case as compared with the cadre of the Civil Service in this country. But at the same time they said they had very little work to do. I naturally inquired, why don't you ask for reduction in the number of posts and more pay? They said such a proposal had been made, but the Colonial Office

did not want to increase their pay, what they wanted was more posts. One of them said ordinarily they have four civil servants there to do the work that is done by one civil servant in this country. Therefore if Aden goes to the Colonial Office the number of appointments is bound to be increased and the cost will be so much more that Indian tax-payers who are the largest tax-payers there will have to pay a great deal more.

Our fourth objection is that the trade of India today runs to some crores of rupees—seven or eight crores or more. This is to some extent due to shipping facilities that exist, by which I mean that because there are salt factories in Aden from which salt has to be imported into India and rather than that those ships go empty to Aden to bring this salt, there is shipped from this country by these boats a large amount of Indian produce and that helps to reduce the rate of freight. What goes there is rice, wheat, grains, tea, gunnies, piece-goods, etc.—not from Bombay and Karachi alone but from Malabar, Calcutta, and even Chittagong, Akyab and Rangoon. And why? Because Aden is a distributing port and this produce is sent from there to Arabian, African and even Iraq provinces. My point therefore is that if Indians leave Aden as they are bound to, this large trade will be lost to India. You may naturally inquire, why should not any other traders take their place? I say they will not. Indians conduct their business on different lines. Those who come in their place will not do the business on a credit basis same as the Indians do.

Our fifth objection is that, if Aden is not included in India and is transferred to the Colonial Office, then, because Aden salt pays only excise duty and not protective duty when it comes to India, the salt industry in Aden is bound to be crushed out of existence. These factories will be closed down and the lakhs sunk in them be lost but what is of great importance, and which I would ask Government to bear in mind, is that out of Aden's population of over 50,000, there are 2,500 Arabs who work in the four salt factories there and this large number will be without employment. Sir, I can easily multiply these reasons for objecting to the proposed transfer but I will not take up any more time of the Council.

I will now just briefly refer to one objection in connection with my original Resolution of 1921 raised by Sir Denys Bray. He expressed the fear at that date that the Arabs and Jews were siding with the Indians but how long would the Arabs do so? He thought that as soon as the Arabs are educated, they would not join forces with the Indians. The long period of 12 years has elapsed since then. The Arabs have not wavered in their affection and in their regard and sympathy with Indians and for good reasons they as well as the Jews prefer to act in concert with them. They know that the presence of Indians help them and therefore there is no talk and no fear of their not helping the Indians. I know when I was in London some months ago much capital was made of a small petition signed by 32 people and sent to the Viceroy through the Chief Commissioner of Aden. That was a petition signed not by pure Adenites but by 32 Arabs who came from the hinterland. As soon as it was discovered that such a representation had been sent, the regular Arab traders got together and within a few days sent another representation signed not by 32 Arabs but by 500 Arabs disclaiming what was said by the 32.

[Sir Phiroze Sethna.]

And what about our Jewish friends? The Jews in Aden are not Jews from the Levant as they are in South Africa, and where they are favoured and treated as Europeans. The Jews in Aden are Baghdadi Jews, and as much Asiatics as the Indians or the Arabs there. Both the Arabs and the Jews know just as well as we do of the Colonial policy to which I have referred. They know the Colonial policy of European powers. It is not the British alone, for the policy of Italians in Mussowah and Italian Somaliland or of the Dutch in Java and Africa. In Java is just the same discrimination in favour of the white man against the Asiatic. We full well realise that no matter what professions or promises are made today they are bound to be broken. The Home Government must create some excuse or other to meet the wishes of Europeans in other parts of the Empire to see that no favour is extended to Asiatics in Aden which is not extended to them in other colonies.

I said, Sir, in the earlier part of my speech that the political and military administration is already taken away from the Government of India. We recognise that the British Empire is great and that it must have military outposts both near and far. Aden may well be regarded as the Gibraltar of the East so far as the British Empire is concerned. We certainly have a grievance that the transfer of the political and military administration was made without our consent and without our knowledge but India is a member of the great British Empire and for that reason we no longer press for the return to this country of what is already transferred in the way of the political and military administration. So far as the civil administration is concerned we protest and protest most stoutly for the reasons I have endeavoured to place before the Council.

I do hope, Sir, that Government will accede to our wishes and keep the civil administration with the Government of India or if necessary with the Government of Bombay. It is one thing for Government to ask for our opinion and quite another if Government do not give heed to that opinion. We do hope that the Leader of the House will give us an assurance that if the view held by the Legislature is against the transfer that Government will consider itself bound to respect the wishes of the Legislature and their wishes are what is practically desired by the country at large. (Applause.)

THE HONOURABLE THE PRESIDENT : Substituted motion moved :

“ That this Council after duly considering the Government of India Press communiqué of 20th June, 1933, submits that whilst no longer objecting to the transfer to Imperial control of the political and military administration of Aden as it exists at present, it is definitely of opinion that its civil administration should be continued with the Government of India or if thought necessary should be retransferred to the Government of Bombay, but that such civil administration should not be transferred to the Colonial Office.”

As this is a very important debate I will dispense with the time limit prescribed by Standing Order 61, but I will leave it to the

12 Noon.

good sense and judgment of Honourable Members to take as little time as possible as there are many Honourable

Members anxious to speak on the motion.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, after the able and eloquent speech of my Honourable

friend, Sir Phiroze Sethna, I think there is very little left for me to say on this subject. The amendment which I have tabled covered a wide range of ground, but as my Honourable friend, Sir Phiroze Sethna, who has studied this question for a long time, who waited on a deputation on the Secretary of State recently and who was spokesman of that deputation, has stated that so far as the political and military administration of Aden is concerned, these can be transferred, I do not propose to move my amendment. Of course, being a young man, and having full faith in British justice, I think the people of India have got a claim even on this point on His Majesty's Government, and the people of India rightly hold—I am at least optimistic in that view—that as the future constitution of India is coming, the British Government at that time will reconsider their view and retransfer the military and political administration of Aden to the Government of India. As my Honourable friend has advised me not to move my amendment and put forward that claim, I refrain from doing so.

Sir, this question of the transfer of Aden has been engaging the attention of His Majesty's Government for the last, I may say, 13 years. After the conquest of Aden, for about 80 or 85 years, this question did not strike His Majesty's Government, but only in 1921, when in answer to a question in the House of Commons, the Prime Minister replied on February 28th, 1921, that the question of the transfer of the administration of Aden was under the consideration of the Colonial Office. My Honourable friend, Sir Phiroze Sethna, has quoted in detail the answers given by the Government of India on various occasions to questions in relation to this subject. I shall not repeat them. On all these occasions, the Government spokesman in both the Houses assured that no proposals will be made regarding the administration of Aden without consulting the Legislature. But what do we find? In 1917, as a war measure, the political and military administration of Aden was taken over by the Home Government without even consulting the Indian Legislature. In 1927, the political and military administration of Aden was taken over permanently by the Colonial Office, and that we came to know only through the Commander-in-Chief when he made the statement in the Assembly. That shows that the Indian Legislature was not consulted so far as the transfer of the political and military administration of Aden to the Home Government was concerned. Without even consulting the wishes of the people of Aden or taking into consideration the wishes of the various interests involved, they transferred the political and military administration permanently to the Colonial Office. After that, in 1931, the civil administration of Aden was transferred from the Government of Bombay to the Government of India. That is, between 1927 and 1931 no attempt was made by the Government of India to consult the wishes of the Indian Legislature as well as the wishes of the people of Aden and the various business men and mercantile community of Bombay whose interests are involved in Aden. Without consulting these people the civil administration of Aden was transferred from the Bombay Government to the Government of India. So, though an assurance was given, nothing in fact was done to fulfil that promise. As has been pointed out by the Honourable Sir Phiroze Sethna, Aden has been converted into a prosperous port by the enterprise, labour and capital of India. If Indians knew that Aden was going to be transferred to the Colonial Office, they would never have invested large sums of money, they would never have spent their labour and they would never have gone to Aden to settle there as

[Mr. Vinayak Vithal Kalikar.]

permanent settlers. As said by the Honourable Sir Phiroze Sethna, in fact the British officers encouraged the people to go there, to invest large sums of money there, to start the salt industry, and to do many other things to improve the condition of Aden.

Now, Sir, the question is whether the wishes of the people of Aden are to be considered in regard to the question of the transfer of its administration. According to the principle of self-determination, the wishes of the people of Aden ought to be considered before Aden is transferred to the Colonial Office. But what do we find? When the attention of the people of Aden was drawn to the announcement in the White Paper that the future arrangements for the Settlement were under consideration, they held a mass meeting on the 16th April, 1933, and adopted a series of resolutions, copies of which were sent to the Government of India. At that mass meeting the Arab, Jew and Indian merchants of Aden and others who have vested interests in Aden were present, and the purport of the resolutions which they passed is that if the administration of Aden is transferred to the Colonial Office it will be detrimental to the interests of the residents of Aden. They also sent in representations to the British Government and to His Excellency the Viceroy. I can quite understand the suspicion existing in the minds of the people of Aden and various business communities in Bombay that the question of Aden's transfer will be decided against them, though they are every now and then told that their wishes will be considered. That is what actually happened in 1931 when the civil administration was transferred to the Government of India. So my submission is if you really desire to consult the wishes of the Indian Legislature and of the communities whose interests are involved, you should not only give due consideration to, but carry out, their wishes.

Well, my Honourable friend, Sir Phiroze Sethna, has dealt fully with the points stated in the Government communiqué of the 19th June and I do not want to repeat the arguments. But I submit that the plea of giving relief to the Indian tax-payer to the extent of Rs. 20 lakhs is occurring to the British Government—I am not including the Government of India—because they are insistent upon getting Aden under the Colonial Office after 85 years. For the last 80 or 85 years—I am open to correction—according to my information about Rs. 55 to Rs. 60 lakhs of the Indian tax-payer's money has been spent on Aden per year, but His Majesty's Government did not come to the rescue of the Indian tax-payer and they did not suggest that because the Indian tax-payer was paying so much they would take away the administration from the Government of India. It is only after Aden has been transformed from a barren rock to a prosperous port that the question arises and the Indian tax-payers are urged to part with Aden and told that they will be the gainers by Rs. 20 lakhs. Now, Sir, India has been paying this Rs. 20 lakhs to ensure the safety of the trade routes to East and South Africa, Ceylon, British Malaya and Australia, and the Imperial Government should in any case bear the charge and all the Colonies should contribute. The fortress of Aden is maintained to make the trade routes safe to all those Colonies, and in justice they ought to subscribe to its maintenance. Even supposing that they will not subscribe or that they are not justified in subscribing—though I do not admit that—and that the Indian tax-payer must bear the cost, even then I submit that this

question of Rs. 20 lakhs should not be brought in at all in deciding this important question. The Indian tax-payer has to spend not lakhs but crores on military expenditure. The Government of India have agreed to give a subvention to Sind and the North-West Frontier Province—

**THE HONOURABLE THE PRESIDENT :** Will the Honourable Member confine his remarks to the scope of the motion ?

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I was simply putting up an argument, Sir. I do not want to digress and quite agree with your suggestion. I therefore say that in the interests of their own brethren the Indian tax-payer will not grudge paying Rs. 20 lakhs. Well, Sir, after the war, if my information is correct, South Africa, Australia and the other Dominions were allotted ex-enemy territories for administration under the guidance of the League of Nations. India not only was not given any territory for administration, but instead she is being deprived or attempts are being made to deprive her even of this territory, and that after the valuable services rendered by India to the British Empire in the Great War. I submit that justice requires that if really the majority of the people of Aden and Indian merchants with vested interests there find it desirable that Aden should be transferred to the Colonial Office, I should personally have no objection. But the protest that has been raised clearly shows that it is against their interests. It is against the interests of India as a whole and therefore I submit that Aden should not be transferred to the Colonial Office.

With these few remarks, Sir, I beg to support the substituted motion moved and do not move my own.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central : Non-Muhammadan) : Sir, as advised by you, I am not going to move my own amendment but will lend my support to the one so ably moved by Sir Phiroze Sethna. He has dealt with the matter so thoroughly that no important points have been left for us to place before the House. It is always the case when a good speaker after mastering the subject, speaks beforehand that the others who follow him find themselves in a difficult position as all the points are anticipated by him. So I shall not repeat the arguments as well as the history of the case, but will submit a few observations so far as the Press communiqué is concerned. The first point that it is an area geographically remote from India has already been answered—that India is nearer to Aden than the Colonial Office. The second point is that

“it would not naturally fit into the new federation, and that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control”.

May I ask how the other nations with federal constitutions—which have possessions outside, control them, and why it has been considered that India which has been administering Aden so far will prove unfit to administer it the moment it becomes a federation ? Therefore I think this point also falls to the ground. As regards the point that it has already to some extent passed to Imperial control, I would submit that when the British Government deprived India of partial control over Aden, Indian opinion strongly protested against this highhandedness. Do the Government believe that they would be making amends



[Rai Bahadur Lala Mathura Prasad Mehrotra.]

for that injustice by depriving India of even the remaining control over it. My Honourable friend has already said that we do not question the military and political control of Aden, but certainly we shall fight to our level best if the civil administration is also going to be transferred. Then, Sir, the communiqué states the five points in favour of its transfer to the Colonial Office of which the first and the last are very important. The first states that India would be relieved of the annual contribution of approximately £150,000 sterling or Rs. 20 lakhs at present payable towards the military and political administration. My Honourable friend, Sir Phiroze Sethna, has already stated that India will get Rs. 10 lakhs out of the revenues that will have to be transferred to the Colonial Office with the transfer of Aden. Sir, the other day I put some questions to the Government to get information about the income and expenditure of Aden and for the information of the House I shall just read the answer that I have received only on the 29th of this month. In answer to my question about the total cost of administration of Aden, civil as well as military, the Government have said that the contribution for political and military expenditure in 1930-31 was £150,000. In 1931-32, it was £136,499. In 1932-33, (to March, 1933) it was £119,959. From these figures we find that the military and political expenditure is decreasing considerably and has come down from £150,000 to £119,959. As regards the civil expenditure the figure is also decreasing as we find that in 1930-31 the civil expenditure was Rs. 12,45,500; in 1931-32, it was Rs. 11,39,000; in 1932-33, revised estimate, it was Rs. 11,01,700. The House will find that the civil income of Aden is increasing every year. In 1930-31, the income was Rs. 10,27,588; in 1931-32, it was Rs. 12,04,100; in 1932-33, revised estimate, it was Rs. 13,64,000. Thus from Rs. 10,27,000 it has gone up to Rs. 13,64,000—an increase of about Rs. 3 lakhs during the last two years. We find on the one hand that our expenditure on Aden is not increasing, but diminishing; on the other hand, our income is gradually increasing; so instead of paying Rs. 20 lakhs as suggested in the communiqué, I think in the course of a few years India will not have to pay anything for the maintenance of even the military and political administration if it is also transferred from the Colonial Office. Then, Sir, the other point and the last one, is the most important, and it is

“that no racial legislation or segregation would be permitted by His Majesty's Government”.

As my friend Sir Phiroze Sethna has said, these are only paper assurances and they will have to give similar consideration to all the Asiatic nations. We have already seen the treatment meted out to some of the communities in Africa. The Masai, the Kikuyu and other African communities were deprived of their lands and were hurried from place to place in spite of the fact that definite assurances were given by the Colonial Office.

So, Sir, we should not rely much on these assurances and the fact is that the hands of the Colonial Office will be forced to change their policy. Therefore, I lend my whole-hearted support to the substituted motion of my Honourable friend, Sir Phiroze Sethna

\*THE HONOURABLE SARDAR SAHEB SIR SULEMAN CASSUM HAJI MITHA (Bombay Presidency : Muhammadan) : Mr. President, Aden was captured by Major Baillie in 1839 with the help of Indian troops and ever since its annexation its administration has been carried on at the cost of the Indian Exchequer. On the assurance of the Government of India that Aden would ever remain a part of India the Indian merchants were encouraged to start new openings of trade and industries at Aden and to develop the same. The belief of the Indian merchants that Aden would ever remain a part of India was only natural, for well over 8 years no move on the part of the Government was made to indicate their intention of transferring Aden at any time to His Majesty's Government. As a matter of fact this belief led the Indian merchants to develop the "Barren Rocks of Aden" and to turn them into a prosperous territory. As a result, the population of Aden, which was hardly 3,000 at the time of its annexation, has increased to about 53,000 at present.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Nawab Malik Mohammad Hayat Khan Noon.)

A cursory glance at the trade returns will convince any one of the magnificent part which Indian enterprise has played, for about a century now, in the development of Aden. Not only this, the Indian merchants have also been responsible for bringing modern civilisation to the original tribes of Aden, which have been always loyal to His Majesty the King Emperor. This fact should undoubtedly be a matter of pride to the British Empire.

The question of the transfer of Aden dates back to 1921 when, for the first time, on the 28th February, 1921, the Prime Minister made a statement in the House of Commons to the effect that the responsibility for the administration and policy in Palestine, Mesopotamia and Aden was to be transferred to the Colonial Office.

As a mark of protest against the reference of the transfer of Aden by the Prime Minister, Sir Phiroze Sethna moved the following Resolution in the Council of State on the 26th September, 1921 :

"This Council recommends to the Governor General in Council that a representation be made to the Secretary of State for India that the administration of Aden be continued under the Government of India and not be transferred to the Colonial Office".

Speaking on this Resolution, the Honourable Mr. Pratt, I.C.S., expressed the view on behalf of the Government of Bombay to the effect that the attitude of the Bombay Government towards the question of the transfer of Aden to the Colonial Office could not, under any circumstances, be that of neutrality and indifference for the reason that public opinion, both in Bombay and Aden, had emphatically expressed itself that the administration of Aden should not be handed over to the Colonial Office. The Honourable Mr. Pratt also stated that very strong protests had been made by the trading communities of Bombay and Aden and so the Bombay Government did not desire any change in the *status quo*.

Speaking on the same Resolution, the late Sir Muhammad Shafi gave an assurance on behalf of the Government of India that they would make a note of the fact that Indian sentiment according to the various speakers

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\*The Honourable Member spoke in Urdu and submitted the translation here produced.

[Sardar Saheb Sir Suleman Cassum Haji.]

representing different interests was entirely opposed to the transfer of Aden to the Colonial Office. He also said that the Government would take into consideration the facts as stated by Sir Phiroze Sethna and supported by the Government of Bombay that local opinion in Aden as well as in Bombay was definitely opposed to the transfer. He further said that the Government would also take a note of the fact stated by the Honourable Rai Bahadur Lala Ram Saran Das that, in view of the position which Indians occupied in different parts of Africa under the control of the Colonial Office, Indians would prefer that Aden should remain under the control of the Government of India rather than that it should be transferred to the control of the Colonial Office. In the end, Sir Muhammad Shafi emphasised that Honourable Members had no right to assume that the Government of India was in favour of the transfer so long as they had not pronounced a definite opinion on the matter. It is important to note in this connection that the Council of State adopted the above Resolution as moved by Sir Phiroze Sethna.

Speaking on behalf of the Government of India on the 16th of January, 1922, Sir Tej Bahadur Sapru assured the Legislative Assembly that they would be given full opportunity of discussing the question of the transfer of Aden before any decision was taken by the Government.

In reply to a question in the Council of State on the 9th June, 1924, Sir John Thompson stated that the matter of the transfer was still under the consideration of His Majesty's Government but that before a final decision was arrived at the Indian Legislature would be given an opportunity to express its opinion.

The question of the transfer of Aden took a new turn on 3rd March, 1927, when the Commander-in-Chief announced in the Legislative Assembly that the military and political administration of Aden had been definitely transferred to the Home Government. However, in the same statement, he announced that in the interests and welfare of the Indian people residing at Aden, the municipal and civil administration of Aden would remain under the Government of India.

Now, Sir, I would like you to refer to the speech of Sir Ernest Hotson, the then Home Member of the Government of Bombay, in the Bombay Legislative Council, while speaking on the Aden Civil and Criminal Justice Bill, wherein he said that the announcement of the Commander-in-Chief came as a surprise, both to the public as well as to the Bombay Government, as no imminent change was foreshadowed by the Government of India on the question of the administration of Aden.

In January, 1929, Sir Denys Bray stated in the Legislative Assembly that the transfer of Aden from India would not be effected without consulting the House and further added that all idea of such a transfer had long since been abandoned.

In 1931, the civil administration of Aden was transferred from the Bombay Government to the Government of India. The Indian, Arab and Jew residents of Aden protested against such a transfer because, among other things, they feared that it was only a step towards the transfer of the control of Aden to the Colonial Office.

A representative deputation led by Sir Chunilal Mehta waited on His Excellency the Viceroy on the 30th November, 1931, and put forward the views of the Indian merchants. His Excellency the Viceroy as well as the Foreign Secretary, Mr. Evelyn Howell, assured the deputationists that the proposals were final in themselves without any ulterior motives on the part of Government, and that they were not a step towards the transfer of the control of Aden to the Colonial Office.

In clause 5 of page 19 of the White Paper, a reference was made to the transfer of Aden, which showed that the question was still under consideration and as such no proposal in respect of it could be included in that document. This statement in the White Paper alarmed the Arab and the Indian residents of Aden, who held a mass meeting on 16th April, 1933, and passed a series of resolutions on the subject. The purport of these resolutions was that Aden be kept under the control of the Government of India and that the transfer of Aden to the Colonial Office would be highly detrimental to the residents of Aden. They feared that the Colonial Government would not be able to give to the Aden residents the same protection to their rights and interests as was given by the Government of India. They also stated that the transfer of Aden would be a breach of pledges given, from time to time, to the residents of Aden by the Government.

A representative deputation headed by His Highness the Aga Khan waited on Sir Samuel Hoare, the Secretary of State for India, on the 30th May, 1933, and put before him the Indian point of view regarding the transfer of Aden.

The Government of India issued a communiqué on the 19th June, 1933, stating that the question of the transfer of Aden was receiving the consideration of His Majesty's Government, and therein they emphasised the point that Aden being so remote from India could not geographically be a part of India. It is a matter of surprise that the remoteness of Aden, which is 5,000 miles from England, and only 1,500 miles from India occurs to the Government only after a century, when it has grown to be a prosperous centre, entirely due to Indian enterprise. On more than one occasion, the Arabs and Indian merchants of Aden have declared themselves in favour of remaining under the control of the Government of India. If a referendum was to be taken on this point in Aden itself, its inhabitants would unanimously vote for the connection with India. The question under what Government they should remain should be left to the decision of the people of Aden themselves according to the principle of self-determination. The Government of India's communiqué further stated that in the event of Aden being transferred to the Colonial Office, India would be relieved of the annual contribution of Rs. 20 lakhs that it was making towards the maintenance of the Aden fortress. In spite of our protests, if at all, Aden is unjustly taken away from India, the British Government should reimburse India for the loss which it has incurred during the last 95 years at the rate of Rs. 20 lakhs a year at least, though for some years India's contribution was about Rs. 50 lakhs or more annually. Justice demands that all these expenses should be borne by the Imperial Government and not by India alone. In these days when every Government is striving hard to capture markets for its produce and trade, it is a matter of regret that the Government of India

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should think of the transfer of Aden from India and thus put the Indian merchants to grave losses which may amount to crores of rupees. We feel sure that if Aden is handed over to the Colonial Office, the Indian merchants will not only lose heavily as far as their trade and industry are concerned but as a consequence will be deprived of their other rights and privileges as well.

We earnestly hope that the Government will not commit a breach of their promises by transferring the administration of Aden to the Colonial Office. The condition of the trade and commerce of India is already bad enough to cause anxieties and India has for various reasons very limited markets in the world for the disposal of its commodities. Indian merchants have spent enormous amounts of money and labour to bring Aden to its present important position, and it has always provided a permanent market for Indian produce. If Aden is taken away from India, then it would create insurmountable business difficulties and hardships which would surely result in heavy losses to the Indian merchants. While, on the one hand, efforts have been and are being made to encourage trade and industry by means of trade agreements on the lines of the Ottawa Conference, and, on the other hand, by organising to hold the World Economic Conference in order to increase the volume of export trade, it is regrettable that the Indian merchants should be handicapped by the separation of Aden from India.

(At this stage the Honourable the President resumed the Chair.)

Indian merchants, both in India and at Aden, have always come to the rescue of the Government in their difficulties. They have been paying to the Government lakhs of rupees by way of income-tax, super-tax and a host of other taxes. They also willingly offered their loyal services to the Government during the most critical times of the Great War. Is this the proper return, I ask the Government, to the Indian business men, for their loyal and helpful services rendered by them that Aden should be taken away from India, and thus not only endanger their trade and industry in these bad days of unprecedented trade depression, but bring about their utter ruin? The main consideration that has decided the post-war politics hinges on "self-determination", and this principle has been of late universally acknowledged in every country of the world. We, therefore, hope that the Government will seriously take into consideration our loyal services in the past and the constant pledges given to us by them.

It is to be sincerely hoped that proper justice would be meted out to our just claims, and that the administration of Aden will not be transferred, but will be continued under the Indian Government.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official). Sir, the question of the transfer of the administration of Aden from the control of the Government of India to His Majesty's Government is one which I cordially support. I am not at all in favour of the amendments brought forward, but I support the separation on the clear understanding that the Indians as a whole, and the Pathan or Afghan population in particular, should not be stopped from entering the Aden Protectorate as is the custom now. The same privilege should remain while the Protectorate is transferred to His Majesty's Government.

My reasons are as follows. I am not supporting the Leader of the House on any whimsical grounds, but I am supporting him from my experience of that part of the world during my 11 months' stay in Aden while serving with the Aden Field Force during the Great War in 1918. All through my stay there I had opportunities of going to its surrounding suburbs, to see things for myself, and I was greatly interested to see and examine the various places within this Protectorate. I have been to Crater, Shaikh Usman, Halwan, Imad and Darrah which was the boundary of the Aden Protectorate in those days of the Great War. All through its length and breadth I found the lands sandy and barren, and I do not think that they can easily be made to pay the expenditure incurred towards their administration and control. There are some tanks in Crater only, but these can never be filled up with water and they cannot improve any kind of cultivation there. Wells can be dug in some of these places and although the water is brackish, there are possibilities of doing some sort of cultivation by means of windmills, but all these ways of doing cultivation cannot be expected to yield the revenue equal to the expenditure incurred. From my personal experience of those lands, I make bold to say that the administration of Aden is just like a millstone round the neck of Indian revenues, and the sooner it is taken away from India, the better it is for the Government of India and the Indian tax-payer, because, we the tax-payers will then be relieved of the annual contribution of nearly Rs. 20 lakhs from the Indian Exchequer.

The reasons given in the Press communiqué suggesting the separation of Aden from the Government of India are no doubt cogent ones and it will be a little bit of a futile attempt to try to refute them. At the same time, there are allegations to the effect that out of this sum of Rs. 20 lakhs contributed by the Government of India, nearly Rs. 12 lakhs are paid back to them in the shape of various taxation, and the balance of Rs. 8 lakhs is not only a loss to India alone but it can be fairly divided over East Africa, Malaya States, Australia and other countries within the British Empire. Besides India gets a fairly large portion of it in the way of salaries of the Indian troops stationed in Aden. It also receives a large share in the form of profit of Indian merchants doing business in Aden, which ultimately comes over to India. Thus on the whole India is not a loser by keeping Aden under its control, but considering the interests of the Indian communities doing business and service there, it is supposed to be a gainer. If, however, the Government of India want to sever their connection with the backward people under the coming federation scheme, care should be taken that the Indians do not lose their trade and their military services in Aden. I do not know anything about modern Aden, but in 1918 the majority of its population liked the connection with India and they welcomed Indian Muhammadan traders in those days in preference to others. Since I have not been to Aden after that I am not in a position to say accurately what the state of affairs is there nowadays, but I do not think that any Muhammadan country, whether in Asia or in Africa, would detest the Indian Muhammadan in any way. The Indian Muhammadans are their co-religionists and they are quite prepared to be tried by the Kazi of Aden as most of the small cases used to be tried by that authority in 1918. In separating this Protectorate from India, care should be taken that since the population of this country is not stationary there should be some place on this globe for the expansion of India's ever-growing population. Some place at least should be permanently

[Major Nawab Sir Mahomed Akbar Khan.]

guaranteed to Indians, so that after their investment of money and labour in its development they should not be ousted from it. The majority of the population of this Protectorate are Abdali, which is one of the tribes of the Afghan or Pathan peoples, and the Sultan of Lahij to whom the territory originally belonged is an Abdali Chief himself. So if there are any restrictions on other Indian Mussulmans after its separation from India, there should not be any check on the Afghan or Pathan population at least, because an Afghan will not be going to a stranger's land but will be going to the country of his kinsmen, *i.e.*, the land of the old Israelites who before their conversion to Islam were one and the same people and had a common ancestor in King Saul or Malak Talut. I am not so much anxious about any other section of the population in India, but I am chiefly concerned in the position of the Afghans to whom I would not like admittance to be denied in Aden, Palestine and Mesopotamia, where the Jewish population or those of Jewish origin are by no means insignificant since the days of their exile in Babylon. As Palestine has been set apart for the Hebrew population, it is quite immaterial whether they are Jews, Christians or Muhammadans, because being of Israelitic descent they can claim the same heritage as any other Jew. In case some assurance is forthcoming from the Government through the Honourable the Leader of this House in respect of these observations of mine I will support him whole-heartedly. Otherwise I will have the alternative of backing the amendments as they stand.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I wish to support the amendment put forward by Sir Phiroze Sethna. I would not have spoken today but that unfortunately in all the papers that I read it has been said that everything that everybody has to say on this question will be taken into consideration. But we have already said it in 1921. I used to sit then in the same place that I sit in today in this House, and my friend Sir Phiroze Sethna sat very nearly where he is sitting now. We made out a representation at that time and we gave our opinion completely and without a single dissident. What has become of that and why has this to be considered again? I cannot understand that. We have given our opinion in 1921; we have never departed from it and we have been supporting it all through, and still our opinion is wanted today. There is something suspicious about this matter and so I am going to speak. It appears to me that neither on the Government side nor on our side has the case been frankly and fully stated. I have a feeling that something is being kept back, at any rate from my point of view. My friend Sir Phiroze has been very wise in limiting the matter to the *status quo* as it stands and making it comfortable for both sides to agree. He is attempting to build a bridge between their opinion and ours. If it had been left to me I would have put the proposition a little higher. I should have said that the *status quo* as it existed before the War should be restored. It was this unfortunate war which led to this interference, and from one point to another it has come to this, that Aden is to be taken away altogether. But the fact remains that Aden is important to us in the same way as Gibraltar is important to England. So considerations of money and payments by India do not come into consideration at all. Gibraltar was also once a rock like Aden and it became valuable because England was able to protect the sea routes and her trade. So in the case of Aden. It was bare barren rock; our efforts have

made it fertile and a port has been built there and it has become a prosperous settlement and we are unwilling that any other nation should get hold of it. You might say that we are not a nation and England wants to take hold of it and so it is all right. I quite agree. England and India form at present what we in India call a joint Hindu family and England is the head of the family. But the apartments in the house are distributed to various members of the family. We have our apartments, and as the grandfather after all does not go into the rooms where his cousins live, so England has no right to come in here in this apartment which is allotted to us. So I do not understand England wanting the full control, military and civil, of this administration. After all, the Government of India is subordinate to the Government of England, and why should they want to take it away and keep it to themselves. I cannot understand it. The position is unintelligible to me. For my side I want to resist this because first of all we have not yet given up the idea of India rising one day to Dominion Status.

It has been said that this was never promised to be given, but I do not attach importance to that, because even the other day in the banquet given to His Excellency the Viceroy the words "Dominion Status" have come in again. Obviously they have not gone out of the minds of India, nor have they gone out of the minds of Indian administrators. That being so, we still look to attaining to the same position as Canada or Australia. If that is so, I want to retain this Aden still for us. It looks as if England wants this Aden even if we are raised to the position of a Dominion. That I want to prevent. I am anxious that we should retain it under all circumstances. Apart from these considerations, there is a further consideration. I do not want to answer questions which were argued here. Those questions have been answered sufficiently—the questions raised by Mr. (now Sir) Denys Bray. There were certain other points which could not be gone into. Have those points come out now? I do not see them in this communiqué. What is the good of talking about a few thousand rupees. India can afford Rs. 20 lakhs; England affords the expenditure on account of Gibraltar. In the same way we could meet it. A great point was made and today it has not been mentioned. At that time Sir Denys Bray mentioned that there is a large Muhammadan population and they will dislike being with India. I wonder if the same Muhammadan population would like to be governed by the Colonial Office? I put that question. No nation in this world likes to be governed by another and I am sure that is the case with regard to the Muhammadan population there. The position remains exactly the same. On the contrary, if they are with us it would be an advantage to them as well as to us, because here is a large Muhammadan population. They can speak and they can bring their grievances here, whereas, if the administration is transferred to Britain they will find greater difficulty in carrying their grievances there. Another thing is that it is said that the Muhammadans here are in a minority. This unfortunate ground for communalism of their being in a minority will be removed, and the question which has been agitating us will disappear. Taking all these points into account, I think it will be an advantage to keep Aden in the same position as it was before this unfortunate war and before these complications arose. We want to retain it and we do not want to give it up, no matter what it costs. Whatever it costs I am willing to pay; that is all that I wanted to add.



THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official): Sir, I think I owe it to myself

1 P.M.

as well as to this House to say straight off what excuse I have to intervene in this debate. I have no connection with Aden either by consanguinity or affinity like my friends from Bombay or my friend Nawab Sir Akbar Khan who had served in Aden. The only connection I have, as a Bengali, is that I eat Aden salt, and to be true to my salt I ought to be able to say something about it. Sir, the real excuse that I have for intervening in this debate is that I am suffering from some intellectual tortures ever since I read this communiqué. First, as was very ably traversed by Sir Phiroze Sethna I find the words "geographically remote" giving me one of those tortures because when I find that we have places under the administration of the Government of India which are more or less, shall I say fortunately or unfortunately, placed in the same position as Aden. Take, for example, the island of Andamans. It is in the very same inconvenient or convenient geographical position. Geographically, the Andamans is nearer to Ceylon than to India. Why does not the Colonial Government say, "Give us the Andamans". We will be glad to make a present of it to them; we would not stand in their way. Secondly, the communiqué says that Aden will not naturally fit into the new federation. Here again the question tortures me. How can the Andamans be fitted into the federation, and if the Andamans can be fitted into the contemplated Indian federation why cannot Aden be fitted in; it is not very difficult; if you can fit in the one, you can fit in the other. Thirdly, Sir, there is the question of the conditions set out in the communiqué. Let me frankly tell the House that these conditions are not worth the paper they are typed upon. I flatter myself that I have intelligence enough to see that these conditions are nothing but words, mere empty words, for have we not seen pledges, more solemn pledges, thrown to the winds when it came to the scratch? Anyway, I for one would not attach any importance to these conditions and I would ask the House not to attach very much importance to these conditions. Assuming that these conditions will be respected let us consider the first condition, which provides for the contribution by India of Rs. 20 lakhs towards the military and political administration. I do not see why, after the declaration of 1927, when the political and military administration of Aden has been taken over by the Colonial Office, the Indian Exchequer should be charged with this sum of Rs. 20 lakhs; if the political and military administration of Aden has gone out of our hands, why should we pay this Rs. 20 lakhs? In any event, Sir, I do not see any reason why Aden which has been practically converted into a port of some importance by the labour and capital of India should be taken away without as much as paying the compensation. For 95 years India has paid the yearly contribution of Rs. 20 lakhs, and in some years as much as Rs. 50 or Rs. 60 lakhs. If the Colonial Office wants to take it away from us, why should not the Colonial Government pay us a refund of the amount that we have paid all these years, and with interest? Anyway, Sir, I gladly support the substituted motion of Sir Phiroze Sethna and strongly urge upon the House to pass that motion without any division.

THE HONOURABLE THE PRESIDENT: I understand that there are many Honourable Members who are desirous of speaking—I am told that there are at least four or five. I think therefore it would be convenient to adjourn the House now. The House stands adjourned till 2-30 p. m.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council reassembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT. The debate will now be resumed on Sir Phiroze Sethna's substituted Motion.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, after the very interesting and exhaustive debate in the House today and particularly the illuminating speech of our colleague Sir Phiroze Sethna this morning in regard to the transfer of the administration of Aden nothing much is left for me to say. The rare unanimity with which this House has welcomed the proposition of Sir Phiroze makes me hopeful of the greater popularity of this House in the popular estimation. The development of animosity towards Second Chambers in the present day world is due to the halting and retrograde policy of Upper Chambers : but I am very glad to find that our House is free from this odium at least on the present occasion.

The first advantage pointed out in the Government of India communiqué is the probable saving of Rs. 20 lakhs per annum but our friend Sir Phiroze Sethna has shown that the real loss would be only Rs. 10 lakhs. While these estimates are for the future, neither our Government nor His Majesty's Government has a word to say about the loss which India sustained in the 94 years of our connection with Aden. This loss has been estimated at Rs. 15 to Rs. 18 crores. I wonder if the Government is in a position to intimate to this House the welcome news of disbursement to India of its past losses by His Majesty's Government. In the absence of any definite offer from the Home Government of making good the losses, it will be foolish to expect us to be a consenting party to this proposed transfer.

Sir, for about 100 years, from 1839 till the present day, the Government of India bore all the burdens of the civil and military administration of this barren rock. The prosperity of the present Aden is to a large extent due to the indefatigable energy and enterprise of Indian traders who have given their life's blood and all their resources to its well-being. Sir, the sad experience of Indians in the Colonies and possessions of the British Government is not such as to warrant the new transfer of Indians in Aden to the tender mercies of the Colonial Office.

With these few remarks, Sir, I fully support the original amendment of Sir Phiroze Sethna.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay : Non-Muhammadan) : Sir, I beg to support the amendment moved by the Honourable Sir Phiroze Sethna. I do not want to repeat what has already been said in support of the amendment. I will only add that India is over-populated and any territory to which our nationals could emigrate should not be taken away from us.

So many countries which were open once to us have been closed, and Aden which we have colonised, improved and brought to its present condition of

[Sardar Shri Jagannath Maharaj Pandit.]

prosperity should not be given up by us for a paltry gain of a few lakhs of rupees. In course of time, we expect the trade of Aden to increase and even this deficit could be made up.

The reasons given in the communiqué reads like special pleading and are wholly unsatisfactory. I think, Sir, the objections to Aden remaining part of India can be easily overcome.

With these words I fully support the amendment of the Honourable Sir Phiroze Sethna.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, a deputation of some of the delegates of the Round Table Conference waited upon the Secretary of State on the 30th May this year in connection with the question of the separation of Aden. Sir Samuel Hoare in the course of his reply was sympathetic towards Indian aspirations. He referred to the difficulty of including Aden in a federation which consisted of provinces which Aden was not. At the same time he said that the difficulty was not insurmountable. And yet the communiqué states it would not naturally fit into it; these two opinions seem to be rather inconsistent. The communiqué further emphasises the great importance of the Aden Protectorate. This question was discussed at length by Sir Denys Bray in 1921, when in the course of his reply to a Resolution protesting against the separation of Aden he made the flesh of Honourable Members creep with the unpronounceable names of some of those Imams and Chiefs who were included therein. We have, however, to recollect that 1933 is not 1921 and that the King of the Hedjaz has consolidated his power and has brought about peace where there was internecine warfare from day to day. The hinterland of Aden is thus no longer troublesome.

Coming then, Sir, to the question of the benefits that India would derive from separation. I should like to quote here the opinion of one of the former Secretaries of State for the Colonies.

The Right Honourable Mr. Winston Churchill said in the House of Commons that while India was generous enough to offer to the Colonial Office the port of Aden, he was not prepared in the interests of the British tax-payer to take over Aden unless India was prepared to bear its portion of the burden. Well, Sir, how can this be reconciled with the statement we have in the communiqué that India would be relieved of Rs. 20 lakhs payable at present? It was not that India was going to voluntarily give up Aden but that Aden was to be taken away from India whether it liked it or not, and placed under the Colonial Office!

So far as the other conditions are concerned, specially Nos. 3 and 4, the word "unless" is ominous. It is fraught with unknown contingencies. A certain change may be created and we would be confronted with it. Under that contingency the reservations would be withdrawn or whittled down. I do not believe, Sir, we can depend entirely upon the statement that "His Majesty's Government would do their utmost, etc." Promises and assurances are all right so far as they go. The difficulty arises when they have to be implemented. It is not at all unusual in the Legislatures when an interpretation

of a particular section of a Bill is made in the course of a debate assurances are given by the Government spokesmen. Once however the Bill is passed the same question again arises. We are then faced with the letter of the Act and the assurances are nowhere. Thus it is that such promises become useless unless definitely incorporated in the Act.

Then, let us now look at what the Indian merchants have done for Aden. They have established hospitals, dispensaries, schools, and provided other amenities, and they actually bear the expenses of their maintenance. They have established good relations between the various races and the British Government. Considering all these, I think that India should retain possession of the civil administration of Aden. And it is to the best interests of both India and Aden that it should be linked either with the Government of India or with the Government of Bombay.

That is all I have to say, Sir. I support the Resolution so ably moved by the Honourable Sir Phiroze Sethna.

**\*THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan) : Sir, first of all I wish to congratulate the Government on the correct attitude they have taken up in this matter. The dismemberment of the present day British India concerns clearly only two parties, the people of India and His Majesty's Government in England. I wish they would follow the precedent which the Honourable the Leader of the House has laid down today in the case of Burma, and we should have been consulted or the Burma Legislature should have been given an opportunity of giving a definite opinion on the question of separation. The federation, which is still in the melting pot, has cast a shadow first of all by the dismemberment of British India. First Burma goes, and here Aden is going. One wonders what will happen to the other territories which are not coming into the federation. I would remind the House that there is Chitral, there is Thal and the trans-border territories about which the White Paper is silent.

**THE HONOURABLE THE PRESIDENT :** The Honourable Member will confine himself to the question under discussion.

**THE HONOURABLE MR. HOSSAIN IMAM :** I was only saying that these have not been treated either as part of British India or as an Indian State and in a similar manner, Aden, even if it does not come into the category of a province or a State, could be fitted in, just as the Honourable Mr. Basu has pointed out, like the Andamans has been fitted in. The only logical result should have been that Aden should have been allowed self-government. If that position had been placed before the House, I think the opinion of the Legislatures and the Indian public would not have been so hostile as we find it today, for the transfer of Aden from ourselves to the Colonial Office is directed simply towards easing the difficulties of the British Government. I do not personally think that the British Government has any difficulty at the present moment. The real control which they want is military control. This they have at the present moment, and, as the Honourable Sir Phiroze Sethna has pointed out, the Indians are prepared to let the British Government remain in control of the

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\* Speech not corrected by the Honourable Member.

[Mr. Hossain Imam.]

military administration. The position of Aden, the Settlement and the municipality, is that it is of no extraordinary importance from the British point of view except as a coaling station for ships, and as a place where the garrison for guarding the Protectorate is kept. For these two purposes they can utilise Aden even if it is under the Government of India, because we are merely concerned with the trade and civil administration of Aden. Our interest and those of Great Britain do not clash. We have been told of the probable saving of Rs. 20 lakhs. As my Honourable friend Mr. Mehrotra has pointed out, that Rs. 20 lakhs dwindles down to Rs. 14 lakhs according to the figures that were given the other day by the Government themselves. The military expenditure was only Rs. 14 lakhs last year. Great Britain used to bear the whole of the military expenditure of Aden before the War. First of all, we were paid £72,000 as a contribution from His Majesty's Government towards the garrisoning of Aden. After that we had an agreement by which two-thirds of the military expenditure was debited to the Imperial Exchequer and one-third to the Indian Exchequer. This was made not with the consent of the people of India. It was decided by the Government of India and His Majesty's Government in England. To argue that because Great Britain had exacted from us the full expenditure in the beginning and one-third of it now therefore they have got any legal or moral right to it is bad logic. We, on our part, do not require to maintain that army for the safety of the Settlement of Aden. That army is kept there for the safety of the Protectorate, and for the safety of the trade route. That is an Imperial consideration. We have been asking times without number that the expenditure on defence debited to India is not based on equity. As a matter of fact, Great Britain ought in justice to defray all the cost of the military in Aden irrespective of whether the civil administration remains under the sway of the Government of India or the Colonial Office. For police duty, a small force will be quite sufficient to safeguard the interests, and it is no argument that we will save money, because there is no real saving. There is a strong suspicion in our minds. Why should a Government, which has always been so careful to safeguard its economic interests, come out of its way all of a sudden and seek to shoulder all the burden of this expenditure when it did not do so in the beginning? The Honourable Sir N. Choksy has read out Mr. Winston Churchill's opinion in 1921. Probably the British Government was prepared to take over Aden only on condition that India should continue to pay her quota of the expenditure. Now, all of a sudden, the nation of shopkeepers is willing to take up a losing concern. It would be insulting the intelligence of the English people if I thought it was going to be a losing concern. As the figures pointed out by my Honourable friend Mr. Mehrotra have shown, the expenditure is going down and the income is going up, and the military expenditure is also on the down grade. This shows that people who have got a far sight see at not a very distant future some better prospects in Aden. Therefore, it will be unwise, after having spent so much money in the development of the town itself to hand it over to the Colonial Office. One thing about the Colonial Office which strikes India with terror is its attitude of complete callousness towards the interests of the natives. In all the Colonies of Great Britain we find that the natives are in a very bad condition. Take the case of Australia. There are no natives remaining there. In South Africa we find

that the natives are very badly treated. The Colonies are meant primarily for the well-being of the nationals of England and we have a very bitter experience of our brethren in Natal, Kenya and other places.

To be forewarned is forearmed. His Majesty's Government are the masters. They can do anything they like, but they cannot compel us to be willing partners to a deal in which we see nothing but loss to India, loss of prestige, economic loss as well as sentimental loss.

Sir, one thing which strikes me is the strong statement which Sir Denys Bray made in the Assembly in 1929. He is still in the Council of the Secretary of State for India. I hope, Sir, that at least he has argued the point with the Secretary of State and has borne out the words he used here :

" I hasten to add that all idea of such a transfer has long since been abandoned ".

If Sir Denys Bray has not done so till now, let us hope that it is not too late for him to make amends. The transfer of Aden is called for more as a measure of precaution than as a measure of necessity. I think the reason for desiring its transfer is that the British Government has no trust in the future Government which is going to be established in India. If they could feel that the interests of the British Empire would not be jeopardised by the future Government of India they would I am sure consent to let Aden remain a part of India. I wish to assure the British Government that the interests of Great Britain will not be unsafe in the hands of the Legislatures in India, because we have to lose more by alienating the sympathies of the British Government than any losses we can inflict on them. In my opinion, Sir, this is a most inopportune moment to have brought up this idea of transfer. People have been exasperated on account of the delay in framing the new reforms. Over and above that this dismemberment of parts of the Indian Empire is beginning to create nervousness.

With these few words, Sir, I support the amendment.

**THE HONOURABLE THE PRESIDENT :** The original Motion moved was :

" That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden be taken into consideration ".

to which a substituted motion has been moved :

" This Council after duly considering the Government of India Press communiqué of 20th June, 1933, submits that whilst no longer objecting to the transfer to Imperial control of the political and military administration of Aden as it exists at present, it is definitely of opinion that its civil administration should be continued with the Government of India or if thought necessary should be retransferred to the Government of Bombay, but that such civil administration should not be transferred to the Colonial Office ".

The question is :

" That the substituted motion be adopted ".

The motion was adopted.

## MOTION *RE* LEVY IN BRITISH INDIA OF DUES IN RESPECT OF LIGHTHOUSES, ETC.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, I beg to move :

"That this Council do signify its opinion in pursuance of sub-section (2) of section 670 of the Merchant Shipping Act, 1894 (57 and 58 Vict. Ch. 60) that the dues imposed by the Order in Council of His Majesty, dated the 17th December, 1931, in respect of the lighthouses and buoy specified in the Schedule thereto ought to be levied in British India."

This, Sir, is a somewhat unusual motion and with your permission I shall try to explain its significance. The lighthouses and the buoy referred to are situated in the West Indies in the vicinity of Bahamas and the Leeward Islands. These lights were built many years ago at the expense of the British Government at a time when the West Indian Colonies concerned could not themselves raise the necessary funds. Since then the cost of maintaining the lights has been borne by the General Lighthouse Fund, a fund which derives its revenue from light dues collected in the ports of Great Britain, Northern Ireland and the Irish Free State. The cost has therefore hitherto been borne by the general mass of shipping using the ports of the British Isles and there has been no specific levy of light dues on the ships which actually derive benefit from these lights. In time these lights have become obsolete and in the past few years a scheme for their improvement has been in progress. This scheme will involve a considerable increase in maintenance costs and it was felt by His Majesty's Government that the time had arrived when the ships which actually got the benefit of the lights should contribute towards the cost of their upkeep. The levy of Colonial light dues in respect of lighthouses—such as these in question—on the coasts of any British Colony is governed by section 670 of the Merchant Shipping Act, copies of which I think are in the hands of Honourable Members. Under that section His Majesty, by an Order in Council, may fix the dues to be paid in respect of ships deriving benefit from such lights, and when an order has been made the dues at once become leviable everywhere throughout His Majesty's Dominions. In virtue of this power, and with the full approval of the shipping interests mainly concerned, an Order in Council was made on the 17th December, 1931 which fixed the dues to be paid in respect of the Bahamas lights at one penny per ton of registered tonnage and at the rate of one half-penny per ton in respect of the Leeward Islands light. The Board of Trade have now asked for the cooperation of the Government of India in the collection of these dues at Indian ports. These light dues will be leviable on any ship which may have incurred a liability by deriving benefit from the lights in the course of its voyage to India, or on any ship which will incur such a liability on leaving India for a foreign port. The Government of India are prepared to cooperate and to make arrangements to collect through the Customs authorities any dues that may be leviable from ships arriving in Indian ports, but in order to legalise this collection it is necessary, in accordance with the terms of sub-section (2) of section 670 of the Merchant Shipping Act, that the Indian Legislature should signify its consent, and this consent may conveniently be expressed in the form of the motion now standing in my name if accepted by both Houses of the Legislature. In recommending this motion for acceptance I would point out that the proposal to collect light dues in respect of Colonial lights is not without

precedent. We have, not far from the coast of India, the Basses lights and the Minicoy light, in respect of which for many years the Indian Customs authorities have been collecting light dues. It may be asked whether acquiescence in the proposal of the Board of Trade may not involve the Government of India in a disproportionate amount of labour and expense. I think I can assure Honourable Members of the House that the collection of dues in respect of

the Bahamas and Leeward Island lights will impose no very great burden on our Customs administration. So far as we know there is only one regular line sailing between India and the West Indies and that, I think, not a very important one. There may be a few cases of ships such as oil tankers from the Mexican Gulf and of ships making for the East through the Panama Canal which may call at Indian ports, but I think we may take it that these occasions will be infrequent. As far as expense is concerned, it is not asked that we should perform the work of collection for nothing. It has been agreed that we shall be allowed a commission of  $7\frac{1}{2}$  per cent. on all collections. India has been asked to make a comparatively small contribution to an organisation which provides for the safety of ships of all nations at sea and I feel confident that this Honourable House will readily signify its agreement.

Sir, I move.

The motion was adopted.

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THE HONOURABLE THE PRESIDENT: At the meeting of this Council on the 29th I announced that nominations for the Standing Committees for subjects other than "Roads" and "Broadcasting" dealt with in the Department of Industries and Labour and for subjects dealt with in the Department of Commerce will be received up to 11 A.M. on Monday, the 4th September. Through inadvertence I mentioned the 4th September instead of the 6th. I now inform Honourable Members that the nominations will be received till 11 A.M. on Wednesday, the 6th September.

The Council will now adjourn.

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The Council then adjourned till Eleven of the Clock on Monday, the 4th September, 1933.





## COUNCIL OF STATE.

*Monday, 4th September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### MEMBERS SWORN :

The Honourable Maharaja Jagadish Nath Roy of Dinajpur (Bengal : Nominated Non-Official).

The Honourable Major William Kerr Fraser-Tytler, C.M.G., M.C. (Foreign Secretary).

### QUESTIONS AND ANSWERS.

#### SUPERSESSION OF INDIAN OFFICIALS BY EUROPEANS IN THE CENTRAL PROVINCES.

129. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :  
(a) Has the attention of Government been drawn to a Resolution moved by Mr. C. B. Parakh, M.L.C., on the 25th July, 1933, in the Central Provinces Legislative Council regarding the supersession of competent senior Indian officials of the Civil Service by Europeans ?

(b) Were the Government of India consulted by the Central Provinces Government when the latter promoted some junior European officers to higher posts superseding the claims of competent senior Indian officials ?

(c) If the answer to part (b) is in the negative, do Government propose to issue instructions to the Central Provinces Government to consider the claims of competent senior Indian officials of the Civil Service in making promotions to the higher posts in the Central Provinces in future ?

THE HONOURABLE MR. M. G. HALLETT : (a) I have read the debate on the Resolution, which I observe was rejected by a considerable majority.

(b) No.

(c) There are standing orders prescribing the principles to be observed in making promotions to selection appointments. These provide that merit should be the main criterion, seniority only being regarded when other qualifications are practically equal. The Government of India do not, therefore, consider it necessary to issue further instructions to the Government of the Central Provinces.

#### PRESENT PRICE OF RUPEE AND SOVEREIGN.

130. THE HONOURABLE SARDAR BUTA SINGH : (a) What is the present price of the rupee as represented by its silver contents in relation to gold ?

(b) What is the price of a gold sovereign as represented by the price of silver contents of the rupee ?

THE HONOURABLE MR. J. B. TAYLOR : The silver contents of a rupee were worth .018 of a sovereign at the rate prevailing on the 29th August.

#### CONVERSION OF PROVINCIAL LOAN ADVANCED FROM THE PROVINCIAL LOAN FUND TO PROVINCIAL GOVERNMENTS.

131. THE HONOURABLE SARDAR BUTA SINGH : What steps do Government propose to take to convert the Provincial Loan advanced from the Provincial Loan Fund to Provincial Governments with the object of reducing interest charges ?

THE HONOURABLE MR. J. B. TAYLOR : The Honourable Member will see from the answer given by me to question No. 5 by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra on the 29th August last that the Government of India have already reduced the rates of interest charged to the provinces on loans taken by them in the years 1921-22 and 1922-23. As the Government of India are able to secure more favourable rates on conversion they will pass on to provinces whatever advantage they can without penalising themselves.

#### PROTECTION TO THE HOSIERY INDUSTRY AGAINST JAPAN.

132. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Have Government received any representation from millowners or chambers of commerce urging protection for the hosiery industry of India against dumping by Japan ?

(b) If so, what action, if any, have Government taken in the matter ?

THE HONOURABLE MR. T. A. STEWART : (a) Yes.

(b) The matter is receiving consideration.

#### CUT CURRENCY NOTES.

133. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Have Government received any communication from the Simla Traders' Association protesting against the new rules relating to cut currency notes and urging the re-enactment of the old rules on the alleged ground that the new rules involve the loss of crores of rupees to traders possessing cut currency notes ?

(b) If so, what action, if any, have Government taken in the matter ?

THE HONOURABLE MR. J. B. TAYLOR : (a) Yes.

(b) Government do not propose to re-enact the old rules.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : What time has been given to the public to return these cut currency notes ?

THE HONOURABLE MR. J. B. TAYLOR : I am afraid I cannot understand exactly the question. The rules have been in force since 1927.

**EXPORT DUTY ON RAW SKINS AND HIDES AND RELIEF TO INDIAN CAST IRON PIPE INDUSTRY.**

134. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Has the attention of Government been drawn to the following resolution, among others, reported to have been passed by the Federation of Indian Chambers of Commerce and Industry at its sittings held at New Delhi in April last :

“ That the export duty on raw skins and hides be raised to 25 per cent. and 20 per cent., respectively ; that a duty of Rs. 50 per ton or 50 per cent. *ad valorem* whichever is higher should be levied on imports of cast iron pipes and further that the tariff value of Rs. 140 a ton may at least be substituted for *ad valorem* valuation now being adopted in Indian customs tariffs so as to secure immediate relief to Indian cast iron pipe industry.”

(b) Has the attention of Government also been drawn to the suggestion reported to have been made in the speech of one of the members of the Federation at the above meeting that the present railway rates being very high should be reduced in order to give relief to Indian agriculture, industry and commerce in view of the high fall in prices ?

(c) Have Government given their consideration to the above suggestions and, if so, with what result ?

THE HONOURABLE MR. T. A. STEWART : (a) Yes.

(b) Yes.

(c) The possibility of raising the export duty on raw skins and hides was carefully considered by the Government of India in connection with the recommendations of the Hides Cess Enquiry Committee and they came to the conclusion, which had the support of the majority of Local Governments and of the Committee, that any addition to the burden on the raw skins and hides industry would be open to serious objection. They still adhere to this view.

The case of the Indian cast iron pipe industry is receiving the consideration of the Government of India along with other representations asking for protection under the Safeguarding of Industries Act, 1933.

The question of freight rates to be charged on goods traffic has also been engaging the attention of Government and of Railway Administrations who are alive to the necessity of helping indigenous industries and stimulating movements of traffic and for this purpose have quoted and will continue to quote reduced rates where this is considered to be desirable. The Government of India are, however, unable to contemplate a general reduction in rates as there is no evidence that traffic would be stimulated thereby to an extent sufficient to prevent a serious loss of railway revenue.

**OVER-GENEROUS TERMS ACCORDED TO BRITISH INVESTORS IN GOVERNMENT OF INDIA STERLING LOANS.**

135. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Has the attention of Government been drawn to the criticism by Professor D. L. Dubey, economist, published in the *Leader* newspaper, dated the 26th May, 1933, of the policy of the Government of India in offering “ over-generous terms ” to

the London investor by the flotation of the £12 million 4 per cent. sterling loan at the issue price of 97½, repayable in 1948—53 ?

(b) Is it a fact that the following news was cabled out to India from London by Reuter under date 11th May : “ Applications for the Indian loan were only allotted at 25 per cent. Dealings started on the Stock Exchange round about par, but later five-eighths premium was quoted ”?

(c) Why do Government give 4 per cent. to the British investor who pays no income-tax to the Indian exchequer, and why do they offer only 3½ per cent. to the Indian investor who is subject to Indian income-tax ?

THE HONOURABLE MR. J. B. TAYLOR : (a) and (b). Yes.

(c) As I have explained on previous occasions, we recognise the advantage of borrowing in India as compared with London and endeavour to restrict our borrowings abroad as far as possible. When we have to borrow, however, we must pay the rates at which the London market is prepared to lend. The particular motive for the loan in question was to strengthen the sterling position of Government with a view to accumulating adequate external reserves for the establishment of a Reserve Bank.

#### INCOME-TAX OFFICERS IN BENGAL.

136. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state :

(a) Whether it is a fact that as many as seven Income-tax Officers in Bengal have been removed from service ? If so, why ?

(b) Will Government be pleased to state their names and the years of service they put in ?

(c) Has any one of them been discharged from service owing to inefficiency ? If so, when was the inefficiency of this discharged officer found out and by whom ?

(d) Was any warning given to these officers before discharging them ?

(e) Is it a fact that there is among these discharged officers one who topped the list of successful Bengal Civil Service candidates of his year ? If so, what is his name ?

(f) Will Government be pleased to state how many of the discharged officers are Hindus, Muslims, Christians and Anglo-Indians ?

(g) Was any departmental enquiry regarding allegations of corruption against any one, or all of them, ever made by Government. If so, when and what was the result ?

THE HONOURABLE MR. J. B. TAYLOR : (a) Yes. Seven Income-tax Officers in Bengal have been removed from service on account of retrenchment.

#### Years of service.

(b) (1) R. Ghatak	..	..	..	..	23 years.
(2) F. C. Chopra	..	..	..	..	13 years.
(3) P. L. Bhattacharjee	..	..	..	..	13 years.

	Years of service.
(4) S. K. Datta .. .. .	13 years.
(5) Nefazuddin Khan .. .. .	9 years.
(6) Abdul Majid .. .. .	8 years.
(7) B. B. Basu .. .. .	7 years.

(c) All these officers were discharged as their work was considered to be so consistently unsatisfactory that to retain them in the cadre while others were discharged from it, would have been unjustifiable.

(d) No.

(e) No.

(f) Hindus--5.

Muhammadans - 2.

(g) Departmental proceedings were started or contemplated against three officers but were dropped in view of their retrenchment.

# SEARCH MADE BY THE POLICE OF BELONGINGS OF THE BENGAL STATE PRISONERS CONFINED IN DAMOH JAIL.

137. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Is it a fact that Professor Jyotish C. Ghose, M.A., Mr. Bhupati Mazumdar and Mr. Purna Ch. Das, detenus in the Damoh Central Jail in the Central Provinces were recently subjected to a search of their persons and belongings by the Central Provinces Police? If so, why?

(b) Had the police any search warrant with them for the purpose? If not, why were they allowed by the jail authorities to search the bodies and belongings of those three gentlemen now detained as State prisoners?

(c) Was any objectionable matter found with them in the course of the search?

(d) Was the search carried out under instructions of the Government of India?

(e) If so, under what section of the Criminal Law?

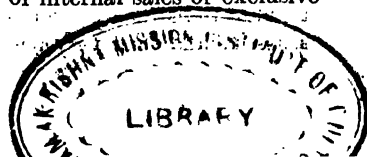
THE HONOURABLE MR. M. G. HALLETT: (a) to (e). The search in question was conducted under the orders of the Sub-Divisional Magistrate of Damoh, as information was received that one of the State prisoners had prepared a scheme of communistic activities. During the course of the search a notebook was seized which contained a scheme for the organisation of communist societies. A search warrant under Chapter VII of the Criminal Procedure Code is not necessary for the search of a prisoner or of his cell in jail, which is permissible under the Jail Rules.

## SHORT NOTICE QUESTIONS AND ANSWERS.

SILVER AGREEMENT AT THE WORLD ECONOMIC CONFERENCE.

138. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly give the following information about the silver agreement at the World Economic Conference:

(a) Is the quota fixed for the sale inclusive of internal sales or exclusive of it?



(b) Does the quota include the sales of silver on private accounts too ?

(c) Can the Government of India sell silver inside the country in excess of the quota.

THE HONOURABLE MR. J. B. TAYLOR : (a) Inclusive.

(b) No.

(c) No.

THE HONOURABLE THE PRESIDENT : I have received two short notice questions both in regard to the same subject-matter—one from the Honourable Mr. Satyendra Chandra Ghosh Maulik and the other from the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra. I have already given leave yesterday to Mr. Satyendra Chandra Ghosh Maulik to put his short notice question and as the Honourable Members are not aware of the contents of this notice I will ask the Honourable Member to read it.

ASSASSINATION OF MR. BURGE, DISTRICT MAGISTRATE, MIDNAPUR.

139. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSE MAULIK : Will the Government be pleased to state if it is a fact that Mr. Burge, District Magistrate, Midnapore, was shot dead on Saturday last ?

Will the Government please make a statement giving the House the full details of the circumstances relating to this dastardly crime ?

THE HONOURABLE MR. M. G. HAILLETT : Sir, I regret it is a fact that Mr. Burge, District Magistrate, Midnapore, was shot dead on Saturday last. The circumstances of this dastardly outrage, so far as they have been ascertained at present, are as follows. Mr. Burge was assassinated about 5-15 P. M. on Saturday on the police football ground. He was about to play football for the Town Club. Both assassins were on the field with players of the opposing side, the Muhammadan Sporting, who were practising before the match. As several of the players of the Muhammadan Sporting side wore dhoties the assassins were unnoticed. Mr. Burge walked on to the field leaving his personal guards on the touch-line. As Mr. Burge approached the goal, the assassins separated from the players and attacked him. One fired five shots with an automatic pistol into Mr. Burge's back from two or three yards' range, the other fired three shots from the front at about the same range. Mr. Burge fell and expired within one minute. Mr. Norton Jones, Additional Superintendent of Police, who was also about to play and was a short distance away, immediately tackled the second assassin and was fired on. He struggled with the man who was shot by Mr. Burge's personal guard and secured. The name of this man was Mrigendra Datta, and he died at 8-30 on Sunday morning. The other assassin was named Anath Panja. He was tackled by Reserve Inspector Smith and was shot dead on the spot by the personal guards. Both assassins belong to Midnapore, and were political suspects. A cordon was formed round the ground within a few minutes by the police and troops, and four men were apprehended. Mrs. Burge was not present when the assassination took place.

I should like to take this opportunity of expressing on behalf of the Government of India their profound regret at the loss of this fine officer at the hands of assassins and their very deep sympathy with Mrs. Burge.

## CONDEMNATORY SPEECHES IN CONNECTION WITH THE ASSASSINATION OF Mr. BURGE, DISTRICT MAGISTRATE, MIDNAPORE.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadian): Sir, the news of the dastardly attack on Mr. Burge, District Magistrate of Midnapore, has come to us as a great shock. The cult of terrorism is indefensible from the moral as well as from the religious point of view. No religion sanctions wanton destruction of human lives and the so-called patriotism of these terrorists and these misguided men are condemnable from every point of view. I, on behalf of my party, and coming as I do from Bengal, express my deep sense of horror at this cowardly affair and convey our sincere condolences to the bereaved family.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadian): Sir, coming as I do from Bengal, especially Midnapore, I strongly condemn this dastardly outrage and express our indignation at this cowardly attack on Mr. Burge whom I knew very intimately. He was one of the most competent and dutiful officers and a very kind-hearted man. I strongly condemn this outrage as no law of the land would allow such outrages to be perpetrated in season and out of season, which have tarnished the fair name of Midnapore and Bengal. It is against society and progress, and also no religion can tolerate such outrages. With deep sorrow we mourn his loss in the House and express our deep and sincere sympathy with Mrs. Burge. Sir, we wish on behalf of our party to convey the feelings of the House to Mrs. Burge.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I beg to associate myself with the previous speakers on this mournful occasion. I feel, Sir, that the feelings of condemnation and abhorrence against these dastardly crimes surge in the breast of every Member of this House as well as members of the public outside. We know that no canons of morality or religion would approve of a thing of this nature and more so when a man is assassinated when he is doing his duty. I hope, Sir, that the feelings of this House may be conveyed to Mrs. Burge and our sympathies with her in her irreparable loss, and that Government should give such financial assistance to her and her family as may be necessary.

THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT (Assam: Non-Muhammadian): Sir, I join heartily with the previous speakers in condemning this dastardly outrage. In this place, and outside it, it has been said times without number that this method will not do. What they mean by persisting in this, they alone understand. Happily, my province of Assam is free from this sort of crime. We have no words sufficient to condemn the outrage that has been committed on an innocent officer carrying on his duties honestly. My sympathies—and I know the sympathies of everybody in this House—are with Mrs. Burge in her terrible calamity, and I beg, Sir, that you will convey the condolences of this House to Mrs. Burge.

THE HONOURABLE MR. J. S. HENDERSON (Bengal Chamber of Commerce): Sir, as the representative of European commercial interests in this House I desire most warmly to associate myself with the remarks which have just been made by Honourable Members in expressing something of the abhorrence and indignation which has been aroused in us all by the cowardly and



[Mr. J. S. Henderson.]

insensate outrage which has been perpetrated at Midnapore, and of the deep sympathy we feel for the bereaved widow and family. Sir, with this latest significant and tragic reminder before us is it any wonder that we,—and especially those of us from Bengal,—should be inclined to view the future with some apprehension ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZI-I-HUSAIN (Leader of the House): Sir, I have no doubt it is the wish of this House that you be pleased to convey to the widow of the deceased the sympathies and message of condolence of this House in her sad bereavement.

THE HONOURABLE THE PRESIDENT: The Chair would like to associate itself with all that has fallen from several Honourable Members and the Leader of the House. It has been a most tragic event. It was a very dastardly crime and yet a most daring act in the annals of the history of crime in this country. I have not the slightest doubt that public opinion in this country will strongly condemn it, as the Honourable Members have said. This tragic event following close upon two similar sad events in the death of two valuable officers of Government, Mr. Douglas and Mr. Peddie two years ago is a great stain, in my opinion, on the prosperous city of Midnapore. I have no doubt the citizens of Midnapore will express their strong condemnation and abhorrence of this act. As desired by you, Honourable Members, I will communicate today by telegram the deep sympathy and condolences of this Council to Mrs. Burge in her great bereavement.

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#### BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 1st September, 1933, namely:

- A Bill further to amend the Indian Railways Act, 1890, for a certain purpose.
- A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.
- A Bill to regulate the possession of wireless telegraphy apparatus.
- A Bill further to amend the Land Acquisition Act, 1894, for certain purposes.

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#### RESOLUTION *RE* PROVISION OF PRIVILEGES, POWERS AND IMMUNITIES TO LEGISLATURES IN THE NEW CONSTITUTION.

THE HONOURABLE THE PRESIDENT: The first Resolution on the agenda is by the Honourable Mr. Suhrawardy. Before the Honourable Member proceeds with his Resolution I would like to inform him that though I have admitted the Resolution I am unable to allow him to move the second part of the Resolution as it is contrary to Standing Order 58A. The two matters

embodied in this Resolution are of distinctly divergent character and cannot be combined. Under Standing Order 58A no Resolution shall be admissible which does not comply with the following conditions, that is, that it shall be clearly and precisely expressed and shall raise substantially one definite issue. The second part of the Resolution raises an issue distinct from the first. Further I would like to point out to Honourable Members that the grant of gold passes to Members and their families is not part of the powers or immunities as regarded in the House of Commons. As regards the first part of the Resolution I presume the Honourable Member seeks to obtain for the Council of State the same powers, privileges and immunities which are enjoyed by the House of Commons both under statute and custom and convention. If that be the object of the Honourable Member, I am afraid the manner in which his Resolution has been worded his purpose will not be served. I understand that is your object ?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Yes.

THE HONOURABLE THE PRESIDENT : In that case I have refrained the Resolution and I have given a copy to the Honourable Member. Will the Honourable Member now move the modified Resolution ?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhanimadan) : I beg to move the Resolution which stands in my name and which runs thus :

“ This Council recommends to the Governor General in Council to take early steps to move His Majesty's Government to provide the Indian and Provincial Legislatures in the new Constitution with powers to adopt as their own the privileges, powers and immunities of the House of Commons of the United Kingdom, as in the case of the Dominions, Colonies and Legislatures in other parts of the British Empire.”

Sir, before I proceed with my Resolution you will permit me to make a brief reference to the position of this House and the privileges of its Members. Sir, the bi-cameral system of the Central Legislature was brought into existence by the Montagu-Chelmsford Reforms. Before that, as you are aware, we had the Imperial Legislative Council and we were brought up consequently on the tradition of a single Chamber Legislature. But, Sir, there have been many attacks upon the privileges of this House and upon the privileges of its Members. When the constitution of the Government of India was revised by the Government of India Act of 1919 the privileges of the Legislature as a whole were not dealt with by the Act except in one particular section. 67 (7) of the Government of India Act, 1919, which secures freedom of speech to Members of the Legislature. Beyond that the matter was not dealt with by the Government of India Act in any way. The question of privileges and immunities of Members of the Legislature was brought before the Reforms Committee known as the Muddiman Committee, with which your distinguished predecessors were connected, and it went into the matter in some detail. I find that that Committee failed to deal with the question of privileges and immunities in a satisfactory manner. On page 75 of the report it was stated :

“ It has not been suggested to us from any source that the Legislature in India should be provided with a complete code of powers, privileges and immunities as in the case of most of the Legislatures in other parts of the Empire. The matter has been generally dealt with by enactment of a provision in the Acts of Constitution enabling the Legislature

[Mr. Mahmood Suhrawardy.]

to define their own powers, privileges and immunities, with the restriction that they should not exceed those for the time being enjoyed by the British House of Commons. Eventually no doubt similar provision will be made in the constitution of British India. At the same time we feel that the Legislature and the Members thereof have not been given by the Government of India Act all the protection that they need. Under the Statute there is freedom of speech in all the Legislatures and immunity from the jurisdiction of the courts in respect of his speeches or votes, and with this view the Presidents have been given considerable powers for the maintenance of order, but there the matter ends ”.

Now, Sir, Honourable Members are familiar with eminent authorities as Sir Erskine May and Sir William Anson on Parliamentary Practice and Procedure. The privileges enjoyed by the House of Commons may be divided into two classes. Those which are claimed by the Speaker and conceded by the Lord Chancellor on behalf of the Crown and those not claimed but enjoyed as of right. At the commencement of every Parliamentary session the practice is for the Speaker to claim some privileges—I suppose the words are : “the ancient and undoubted rights” of the Members of the Legislature and the Lord Chancellor very readily concedes them as being granted by the Crown. Among these privileges which are so asked are first of all privileges classed as formal privileges which deal with the manner and the matter of the debates in Parliament, access to the Sovereign and so forth. They are mere matters of formality. Then there is the privilege which is asked for and which is of very great importance, namely, freedom from arrest, detention or molestation. That is how it is described in the constitutional book. This is asked for by the Speaker and it is granted by the Lord Chancellor.

Sir, it is not necessary for me to trace the history of these privileges because they are contained in so well known a document which is before the public and I daresay before the Government of India. I would only cite a famous passage from the speech of King Henry VIII which is reproduced in almost all constitutional treatises to show how greatly the privilege is valued in England.

“We at no time stand so highly in our Estate Royal as in the time of Parliament, where we as head and you as members are conjoined and knit together into the body politic. So as whatsoever offence or injury is offered to the meanest member of this House is to be judged as done against our person and the whole Court of Parliament : which prerogative of the Court is so great as all acts and processes coming out of any other inferior Court must for the time cease and give place to the highest”.

This is how King Henry VIII described it and although there were later attempts to infringe this valuable right, matters have been set right and I think now Members of the British Parliament enjoy immunity from arrest, detention or molestation by executive action. This is not merely a sentimental right. This is a right which is based upon the fundamental principle that the three branches of Government, the executive, judiciary and the legislature, ought to have powers of independence and one branch ought not to be allowed to trample under foot the privileges of another branch. This is the principle upon which the privilege is based.

Now, Sir, the reforms inaugurated by the late Mr. Montagu which began with the Government of India Act, 1919, have been in operation for 14 years and they are about to be replaced by a new Constitution. In fact the

Muddiman Committee made a valuable recommendation affecting the privileges which it thought the Indian Legislature should possess. These privileges were based upon those cherished by the Members of the British Parliament of the House of Commons of the United Kingdom.

Sir, I refer with authority to the facilities or privileges granted to M. Ps. in the British Parliament and Overseas, Canada, Australia, South Africa and New Zealand. With your permission, Sir, I shall begin with Westminster.

"It is only in recent years that the British House of Commons has returned to the practice of the payment of Members. The present salary of £400 a year was authorized in 1911, which now includes £100 allowance for expenses, such £100 not being liable to income-tax. There is, however, at present an economy cut of 10 per cent. on such £400. The salary of a Member becomes payable when he takes the Oath or makes the Affirmation required by law, and begins from the day on which the Clerk of the Crown intimates that all the returns have been received by him, or, when Parliament assembles on an earlier date, from such date, in respect of Members then returned, and in respect of other Members, from the day on which their return reaches the Clerk of the Crown. Members are also entitled to first class railway or steamer tickets between London and their constituencies, free stationery in the House, and receipt of the usual Parliamentary papers".

That is about Westminster. Now about Overseas.

"In the Overseas Parliaments, M. Ps. have received Parliamentary allowances or remuneration, in many cases, ever since the inception of their Parliamentary institutions. In fact owing no doubt to the absence of leisured classes in the Dominions free facilities granted to M. Ps. have tended in recent years to increase rather than diminish, and, especially in those Dominions having State-owned railway systems, do these facilities include free passes over their lines".

Now, I come to Canada. Members of both the Senate and the House of Commons receive an allowance \$4,000 per session.

THE HONOURABLE THE PRESIDENT : The Honourable Member is now going into the second part of the Resolution which I have disallowed for the present. There will be an opportunity for the Honourable Member later on to go into that question. I would request him now to confine himself strictly to the privileges, powers and immunities which he requires for the Indian and Provincial Legislatures.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : I am going to give, Sir, the details for the Dominions and the Colonies, and that does not cover my second part, viz., gold passes. I am referring to the facilities granted to the Members of other Dominions which you have allowed me to move. It therefore covers the United Kingdom, Canada, Australia, South Africa and New Zealand.

THE HONOURABLE THE PRESIDENT : So far as powers, privileges and immunities are concerned.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Sir, the new reforms are to be inaugurated shortly and a new Railway Board and a new Reserve Bank are to come in advance. It behoves us as practical men to place the substance of this Resolution before the British Parliament of His Majesty's Government. I find that distinguished leaders like Mr. Jinnah and Sir Tej Bahadur Sapru who were connected with the Muddiman Committee of 1924, and who participated in the Round Table Conference have not

[ Mr. Mahmood Suhrawardy.]

made any mention in any discussion on the White Paper to the rights and privileges of the Indian Legislature or the Members of this House. No provision has been made in the White Paper for a code of such privileges. I hope the echo of my voice in this House may reach the ears of His Excellency the Governor General and the Secretary of State. I suggest that a supplementary memorandum dealing with this subject may be submitted to the Joint Parliamentary Committee of His Majesty's Government stressing the desirability of copying the model of the Legislature in other Dominions in this respect so far as the Indian Legislature is concerned.

Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, I rise to support the Resolution wholeheartedly and the time chosen by my friend for raising this question is very opportune. The future constitution is on the anvil and in a few months time a Bill laying down the future constitution of the Government of India will be placed before the British Parliament for being enacted into law. In this connection I think we need not go further to find out the view embodied on the subject by persons who were neither irresponsible critics of Government nor congressmen but men who were some time or other at the helm of affairs of the Government of India. Sir, I mean the Committee which is better known as the Muddiman Committee of which the members were men like the late Sir Muhammad Shafi, Sir Henry Moncrieff Smith, our erstwhile President, and Sir Tej Bahadur Sapru, Mr. Jinnah and other illustrious sons of the soil.

Let me quote a few sentences which contain the views of that Committee regarding the provision of a code of powers for the Indian Legislatures. The Committee stated that the Legislatures in other parts of the British Empire has been provided with a complete code of powers, privileges and immunities by the enactment of a provision in their acts of constitution, enabling the respective Legislatures to codify their own powers, privileges and immunities with the restriction that they should not exceed those for the time being enjoyed by the British House of Commons. They further stated that in their opinion it was premature at that time but they definitely stated that similar provision would have to be made at some future date when the constitution of India will be revised.

Sir, the time which they hoped would come, has actually come now, as the constitution of India is in its making. In 1919, when the reforms came, this question was either overlooked or was not gone into properly. Probably the idea at that time was that the present Legislature were not given any status as a real parliament of the country. Now that responsible government with the cabinet system of executive is contemplated to be brought into existence, the future Legislatures of this country will have to be endowed with all the privileges and immunities as is enjoyed by all the other Legislatures of the British Empire. In the 1919 Act the only section which dealt with this aspect was sub-section (7) of section 67 of the Government of India Act; but that only dealt with the freedom of speech. But, Sir, that is not the only privilege that is enjoyed by the other Legislatures. I am not going to

enumerate the immunities and privileges which the future Legislature should enjoy. That is a thing to be decided by the future House when re-constituted under the new Constitution ; but at the same time I think I should mention some of the main privileges enjoyed by the different Legislatures of the British Empire and abroad which to my mind should be enjoyed by Indian Legislatures. The House of Commons of the United Kingdom enjoy a fixed annual salary and over and above that the Members enjoy free travelling facilities over the United Kingdom railways. In Australia, the Members of the Parliament receive an annual salary and receive free railway passes. In France, the Members of the Legislatures receive 62,000 francs as annual salary and also travelling facilities over the railways in France. It would not be out of place to mention here that the future Legislatures of India should be given an annual salary and free railway travelling facilities.

I would refer the Members and the Government to page 61 of the report of the said Committee. In concluding my remarks I would request the Government to press the Secretary of State immediately to get a section incorporated in the Government of India Bill that may be brought before the Parliament in the near future giving powers to the future Indian Legislatures to codify the necessary powers, privileges and immunities that may be found necessary by them.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa: Non-Muhammadan): Sir, I congratulate my friend for bringing this Resolution before the House at a time when the British Parliament is busy in preparing a constitution for India. We hear every now and then that we are just passing through a stage of Dominion Status in action. That being so, Sir, a complete code of powers should have long ago been provided for the Members of the Legislature. An Indian Parliament was drawn up under the Montagu-Chelmsford Reforms on the model of the British Parliament and the Indian constitution was provided with two Legislative Houses like the two Houses of Parliament. It is therefore essential that all Legislatures should be endowed with a full code of powers as is existent in all the other Legislatures of the British Empire. In the Muddiman Committee's Report the Members were all agreed that India must eventually be given a complete code of powers by the enactment of a provision in the Act of constitution that is in the making for India. I admit, Sir, that the Act of constitution can not specify the different kinds of powers, privileges and immunities that should be enjoyed by the Members of the future Legislatures of India. The Act of constitution like all other similar Acts should make provision by which the Legislatures in India will be given the powers of codifying all those powers. Sir, so far as I am aware the White Paper appears to be silent on this aspect of the question. In this connection I may bring to the notice of the House that a few years ago when this question was discussed in this House it was announced on behalf of Government that due consideration will be given to it in its proper time. Sir, I will not be wrong if I say that the time has come when it must be tackled or else it will be too late. I would earnestly appeal to Government to forward to the Secretary of State the whole of today's proceedings together with a strong recommendation from His Excellency's Government for providing a section in the Act of constitution that is going to be enacted by the British Government in the near future.

[Raja Raghunandan Prasad Singh.]

Sir, I do not think I need dilate on the subject any more but I must make it clear that in the absence of such a code of powers, privileges and immunities it will be impossible for the future Legislatures to function in the same effective manner as it does in all the other Dominions of the British Empire and in all the other civilised countries of the world.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): It is a very interesting subject, Sir, that has been discussed by the Honourable Members on this Resolution. I have been listening very carefully to the speeches made dwelling on the privileges, powers and immunities. I have not heard any Member stressing the point of obligations. The privilege of the House is not the same thing as the privilege of a Member of the House. For instance, it may be a privilege of the House to decide how to deal with a delinquent Member or a Member who has proved a nuisance to the House. Would that Member like to be dealt with by the House or by the Judicial Court? That is a very interesting point and a point on which possibly opinions may differ. Similarly, about the jurisdiction over the Press. The House would like, on and off, to call the editors of the various troublesome papers before the bar of the House and deal with them. I am not quite sure whether the journalistic world would like to be dealt with at the bar of the House or at the bar of a magisterial court. There are many interesting points which emerge from the subject. I have only mentioned one or two of them.

The second observation I have to make is that as a matter of fact the House already possesses powers given to it by itself as well as by the Government of India Act. For instance, Honourable Members cannot be unaware of the 1925 Act—I think it is—known as the Legislative Members Exemption Act. Those of us who are not as lucky as others may be owing debts, and in execution of their claims some creditors may like to get us away from the deliberations of this House. The existing law enables us to defy them during the time of the session—not only that, but for even a fortnight before and a fortnight after a session. Here you are—

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: That is civil court jurisdiction.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: There are other instances in which Honourable Members of this House are possessed of privileges.

The third observation which I wish to make is to make it clear that the word “powers” between the words “privileges” and “immunities” does not mean legislative powers, because it is obvious that the legislative powers of Provincial Legislatures and even of the Central Legislature cannot be the same as those of the House of Commons in the United Kingdom. We are inferior Legislatures for some time to come. I mention these things to assure the House that the subject is not one of which the Government is unaware. As a matter of fact, as early as 1924, the matter was taken in hand and proceeded with and certain legislation was passed. Further recommendations were made and Government prepared certain memoranda for the Simon Commission.

Then, Sir, the fourth observation which I have to make is that Honourable Members should not fail to recognise that the White Paper does make mention of the subject, though not necessarily in detail. It does make mention of this subject. It does make mention of the fact that the reported speeches of Honourable Members are immune from prosecution. That is a privilege given to the House. To what extent it is possible to include this subject in the Government of India Act is a matter which must be left to the drafting expert—whether it is a fit subject for coming into the Act itself or whether a general provision should be included enabling the Legislatures to have certain powers within which they can frame their own privileges, their own immunities, their own procedure to deal with guilty Members and so on.

I am sure, Sir, Government will be very pleased to send copies of this debate to the Secretary of State for such action as he may deem desirable to take and the Government itself will take note of the Resolution and take such action as may be called for. It is quite impossible to accept the Resolution as it stands. I would have been delighted to do so, but there are difficulties in the way. The matter will be mentioned to the Secretary of State so that it may not be over-looked. I have already stated that I shall do so. There will be no useful purpose served by proceeding further with the discussion.

With these few words, Sir, I would suggest that the best course now is not to proceed with the Resolution but to withdraw it.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Sir, in view of the assurance given by my esteemed friend, the Leader of the House, that the debate on this Resolution will be placed before the Secretary of State for necessary action—my object of bringing this Resolution before the House has been achieved. I hope due consideration will be given to it by His Majesty's Government and the Secretary of State. On such assurance from the Honourable the Leader of the House I do not propose to press this Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

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### RESOLUTION *RE* CONDITION OF AGRICULTURISTS.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhamadan) : Sir, I rise to move :

“ That this Council recommends to the Governor General in Council to take immediate steps to better the condition of the agriculturists and to appoint a committee to find ways and means and to advise Government on this subject.”

Sir, when I gave notice of this Resolution, the only idea which I had in my mind was to ask the Government to give an account of their stewardship during the last four years of depression. Since November, 1929, India with the rest of the world is faced with a great fall in prices of commodities. But owing to the fact that no country in the British Empire depends to such a large extent on agriculture as India ours has been the worst plight. The last census figures show that 76 per cent. of the population depend upon agriculture,

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\* *Vide* page 135, *ante*.



[Mr. Hossain Imam.]

and those who are partially dependent upon agriculture come to about two or three per cent., so that nearly 80 per cent. or four-fifths of the population of India is directly dependent on the price of agricultural produce. The second part of my Resolution is the operative part. That is one of the lines which I have suggested to Government to adopt, in order to give effect to my desire, and to increase the prices of agricultural commodities. Our difficulty is this. In any country where there is a national Government, it is the prime duty of the Government to look towards the well-being of its people. Here, Sir, the Finance Member has admitted times out of number the necessity for increasing the price of commodities. When he was at Ottawa he also urged that India's primary need was an increase in agricultural prices. I know, Sir, that there has been a fall in prices throughout the world and India by herself cannot increase prices. But there are ways and means within the orbit of the Finance Member which can do wonders. Japan faced with a situation of this nature depreciated its Yen 40 per cent. below its former valuation in respect not of gold but of sterling. We, Sir, have to face as a *fait accompli* the 1s. 6d. ratio. That factor has great effect on the price of commodities. It has given a premium of 12½ per cent. to goods imported and placed an equivalent burden on our export trade. At this moment, Sir, when the Reserve Bank is about to be inaugurated, and the fixing of the ratio is looming large in practical politics, it is essential that, in addition to other considerations, the first consideration should be the well-being of the agricultural classes. We can not prosper until we have either a depreciated currency or inflation. For more than four years we have been trying, since November, 1929, and we have neither increased our exports of agricultural produce nor has the prices gone up even to the 1930 level. It may be said that Government has attached the rupee to sterling and thereby depreciated our currency in respect of gold. But that action was not taken in the interests of the agricultural classes. I think the Government of India itself did go a step forward in this direction, but they were over-ridden by the Secretary of State. It will be fresh in the memory of the House that when on the 21st September, 1931, the news of England going off the gold standard came to us as a bombshell, an Ordinance was promulgated by the Governor General in Council, by which the rupee was detached from gold but was not attached to sterling. It would have found its own natural level and we would not have had anything to complain of. But neither we nor the Government of India was allowed to have so much latitude. Whitehall over-ruled us, and an announcement was made that the rupee would be attached to sterling. It will be fresh in the minds of the House that there was a hue and cry on the subject and the younger House rose up in arms against it. But it had no effect.

Another way, Sir, of removing our difficulties was to manipulate rates of freight, both internal railway and external steamer rates, to enable us to supply our produce to outside markets. It is unbelievable but nevertheless a fact that within the last 20 years while shipping freights on goods from England to India have gone down 12 per cent., freights from India to England have gone up 20 per cent. That also has acted as a bar to free export of inland goods. In other countries, Sir, shipping companies are subsidised in order to keep down freights. We have a railway

system which, although it is under the control of the State, is still unmindful of the convenience and the requirements of the agricultural classes. A detailed study of railway freights cannot be made in the short space of time allowed to us here, but if it is looked into it will be found that foreign manufactured goods worth in money ten times the price of our raw materials are charged the same or lower rates than agricultural produce. In reply to some questions the Leader of the House announced that in the case of wheat the freight from Lyallpur to Karachi was one rupee and some annas per maund. That is enormous amount for produce which costs something like Rs. 2-12-0 per maund. These are our grievances. When one is in difficulty one does not insist on any definite line of action. One wants to get out of it. Howsoever it may be, we on this side of the House do not insist and do not wish to bind Government to any definite line of action, but we do wish that they should be more mindful of the interests of the agriculturists and do something tangible to remove our difficulties so that India's internal and external trade may prosper.

Sir, with these words, I move the Resolution.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadian): Sir, I beg to move:

"That before the word 'committee' the word 'representative' be inserted; and also

"That after the word 'committee' the words 'of officials and non-officials of both the Houses' be inserted."

Sir, the Resolution as amended by me will read like this:

"This Council recommends to the Governor General in Council to take immediate steps to better the condition of agriculturists and to appoint a representative committee of officials and non-officials of both the Houses to find ways and means and to advise Government of this subject."

Sir, my object in moving this amendment is to impress upon the Government that as this question is of great importance the report of the committee should not be shelved. The House will remember that the other day I put a question to the Government about the appointment of a committee to inquire into the wheat position in India. The answer to the question was that two officials were appointed, who made certain recommendations but Government had decided not to publish the report. If we leave the Resolution as it stands the Government may accept it and similarly appoint one or two officials who may submit a report from which the public may not derive any benefit and it might be even shelved again. Being afraid that this question may not be treated in the same way I have moved this little amendment.

Sir, as the mover of the Resolution has pointed out the subject, so far as India is concerned, is of the greatest importance, because more than 80 per cent. of the population of the country live on agriculture, and we who are coming from rural areas, know to what plight the present situation has reduced them. Sir, in India, whatever may be the political question, it is nothing in comparison to the agrarian problem. If agriculturists are satisfied I think much of the difficulties which the agitators have been able to make out will be solved. So, Sir, this question is of the greatest importance to this Government or whatever Government is in power. For the last five years we have had

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

successive bad harvests ; or if there is any good harvest in any place, it is ruined on account of excessive or no rain. At some places we have got excessive rain and at others scanty ; the result is the same and the agriculturists have not so much as to pay their rent and revenue nothing to say of anything for their own use. They have to find out other ways and means for their livelihood. This has produced indeed a very grave and serious situation. The indebtedness of the agriculturists has enormously increased. If not cent. per cent. 95 per cent. of the agriculturists are in the hands of *baniyas* who charge an exorbitant rate of interest and once an agriculturist takes any debt from them, it is impossible for him to be extricated for his whole life. On the other hand, Sir, the rates of agricultural produce have enormously fallen. They have practically come to the level of 1901 to 1905. The produce is comparatively less and prices have fallen. These two factors have had their effect in rendering the condition of the agriculturists very precarious. We are aware, Sir, that at places they are helped by canal water ; but the water rates are so very high that the agriculturists are afraid of taking water from canals because after paying canal dues nothing is left for their own use. What is required, Sir, is the reduction of canal rates and railway freight, as my Honourable friend has pointed out. In my province the attention of the Government has been drawn by the Provincial Legislature repeatedly and they are trying to meet the situation to a certain extent. They have set up a committee for devising a formula for permanent remission of rent and revenue. The committee has not been able yet to give its report, but all our eyes are turned to it and we are waiting to see what is that formula. So, Sir, this matter being of so much importance, it requires an all-India committee to be appointed to give whatever help and guidance it can to the Provincial Governments to come to the rescue of agriculturists in their present critical condition and I hope the Government will see their way to accept the amended Resolution.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, I rise to support the Resolution moved by my friend the Honourable Mr. Hossain Imam. India lives on agriculture. More than three-fourths of our countrymen depend on agriculture. The agriculturist at present is in a sad plight owing to the serious fall in price of agricultural produce. His Excellency the Governor of the Punjab in a speech in reply to an address of welcome by the Sanatan Dharam Sabha, Lahore, the other day observed as follows :

“ The urban and rural classes of the Punjab irrespective of community depend primarily on the economic condition of agriculture. Any decline in the industry at once reacts on the trade and professional classes, and any improvement in it at once benefits them. While the Government therefore should and will pay due regard to other industries, they will help all classes by any practical assistance they are able to give to the cultivator ”.

Sir, the present condition of the agriculturist in India requires serious consideration of the Government, and I hope Government will accept the suggestion to appoint a committee of representatives of both Houses to find ways and means to advise Government on the subject.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I must begin by congratulating the Honourable mover of this Resolution in bringing a vital problem to the notice of the House. The Government of India cannot

but be aware—indeed its own representatives have admitted both in India and in England—the fall that has taken place in the prices of agricultural produce, which in some cases ranges from 50 to 75 per cent. We in the villages find that our incomes have been reduced to almost vanishing point. It can easily be imagined that it is not possible for agricultural classes to meet money demands contracted at the time when the price level was high. My friends on the official benches can easily realise the distress by placing themselves in the place of the agriculturist and imagining the effect if their incomes were reduced in the same proportion.

Many Provincial Governments have been driven to recognise the need of affording relief to agriculturists. There are Bills before the United Provinces and Bengal Councils to relieve agricultural indebtedness : but to me it appears to be a problem of all-India importance, and if Government really wishes to do something for the agriculturists, it must undertake all-India legislation with the object of reducing the rate of interest to 5 per cent. on all loans contracted between 1917 and 1933, and empowering the Courts to fix instalments based on the present income of the debtor, staying execution of decrees and ordering payments as provided above.

The second suggestion that I should like to make is that while all countries are now seeking national self-sufficiency, our wheat and cotton can find no outside market. We must devote special attention to develop home markets and to see that raw produce is turned into manufactured articles. In this connection I should like to emphasise that in spite of world conditions India was able to maintain its own level of prices so far as wheat is concerned. So far as the Punjab is concerned our main outlet was Karachi, and Karachi will be able to meet not only its local demand, but the demands of Calcutta and Bombay from the new area coming under cultivation. We in the Punjab must find some market for our produce.

In the matter of cotton, the Japanese boycott will not altogether be an evil if Government can help the development of the weaving industry in the Punjab. We Punjabis, I think, will be prepared to use the garments which can be manufactured from cotton we produce. We have the raw material, we have plenty of labour and we have a ready market. It will be a complete confession of lack of enterprise if we seek outside markets instead of developing our home industry. There seems to be a wrong impression in the minds of some people that unless Japan buys our cotton, we shall always be the losers. But informed opinion holds that it is a wrong policy to depend on outside markets and our best course is under adequate protection to develop the weaving industry in the same way as the sugar industry has been developed. I must ask the Government to make no agreement at the expense of the home industry. On the other hand make protection effective and develop our own industry.

It is a strange phenomenon that in a backward country like India, Government is prepared to follow a policy of drift, hoping that things will right themselves. While in advanced countries like England the Minister for Agriculture has pioneered the Marketing Bill, steps have been taken to create agricultural credits and organisation of industry is proceeding apace. Here, both Central and Local Governments spend 90 per cent. of their time in the interest of law

[Sardar Buta Singh.]

and order. While as a matter of course they should be spending 90 per cent. of their time in developing the industries, thus providing employment and making people contented and happy.

I have therefore great pleasure in supporting the Resolution.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, I rise to support the Resolution of the Honourable Member in its entirety. Sir, the Indian *ryot* is moribund for the last decade. The economic blizzard and the world-wide trough of trade depression is today ravaging every nook and corner of the globe. The destructive policy of dumping by Soviet Russia, the uneconomic sterilization of gold by America and France, the Reparation problem of International debts, the unwise policy of prohibitive tariffs of the United States of America, the paradoxical and wayward drift of the world currencies, the deliberate depreciation of the Yen by Japan, have all culminated in the present abysmal fall in prices. Political motives have throughout been the determinant of the economic policies of nearly all the countries of the globe. Since India is without exception, neither isolated nor insulated, she has equally had her share of it. The Indian agriculturist is consequently sweating under the yoke of the smothering burden of economic distress. The Indian agriculturists form about 90 per cent. of the total population. How anomalous does the present political upheaval appear in view of the tragic poverty of our countryside. The inordinate growth of population during the last decade has heightened the pressure on the soil at a time when there is not the corresponding expansion in the fertility of the land, in development of resources or in the means of distributing the product amongst the masses. So that the financial condition of the agriculturist is inarticulate. It behoves us to reconnoitre the ways and means of mobilising our efforts to combat poverty and ignorance and to produce a hope of the dawn of a millennium for the teeming millions. Admitted that the new constitution is expected to bring in its wake an all-embracing regeneration of India, yet I urge, and urge in most vehement terms, that the Government of India should see its way to appointing a committee to enquire into the present position of agricultural indebtedness, the village money-lenders, the *taqqavi* loans, agricultural banks, cooperative credit societies, revenue system, railway freight for agricultural produce, import duties on foreign wheat and other crops, and this committee should bring forth its recommendations in crystal clear terms. Then and then alone can we really look up to a regenerated India.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, Government has the greatest possible sympathy with the object the Honourable mover of this Resolution has in view, and the Government has given expression to its views on the subject from time to time. Government has nothing but admiration for the way in which the poorest sections of the agriculturists have been bearing the troubles due to the hard times which have unfortunately lasted for so long. There are, Sir, troubles which one would like to remove at once and there are some which one cannot remove but to which one does one's best to apply as many palliatives as possible and pray that the time of trial will soon be over.

It was, Sir, in September, 1931, that a Resolution almost identical with the present Resolution was moved in the other place and a most interesting debate ensued in which I also took part. The outstanding points of the problem are that there is produce in plenty. Those Honourable Members who think that the yield of the land has become less as compared with what it was 30 years ago are, I am afraid, not well informed. Produce there is in plenty. The produce is more than is needed for consumption within India. In some cases, there is produce available for export. The trouble is that the prices the produce commands are very, very low. Therefore, all those who own land, whether large or small, suffer. Their incomes have dwindled in some cases almost to vanishing point. And almost in all cases to something varying between 25 and 50 per cent. of what they were before. These are facts there is no getting over. There is no desire to get over them. Unless we face facts fairly and squarely no effort can be made to overcome them. What can be done to get over this trouble ?

There is plenty and yet scarcity. What can be done ? The Honourable mover of the Resolution has suggested that my Honourable colleague, the Finance Member, should resort to some sort of jugglery and raise the prices. Sir, I have read in many papers, general papers, ordinary papers and also what we call expert papers, talking of things like that. You inflate the currency ; you inflate the prices, you do something or other. I am a plain man ; I am not familiar with this jugglery ; but my common sense is very suspicious of the efficacy of such remedies. I think that even if some jugglery of this sort can be performed, it cannot last very long. Moreover, India cannot claim to possess the best financial juggler in the world. The example will be followed by others. If you inflate your currency, presumably others also will play at the same game.

Then it has been said that the prices have gone down and therefore the debt has become enormous, much more than what it was. That is perfectly true. But am I right in thinking that there are many Members on this side as well as on that who would raise their voices strongly if it were seriously proposed by Government that the existing debts are to be reduced by half ? I am sure the Honourable Member from the Frontier Province, who is enjoying a well-earned rest, will be the first to protest if it is said that all debts are hereby wiped out. He will ask, " Is this law ? Is this British justice ? " I will never hear the end of it. Then it has been said that this enormous interest has become intolerable. Perfectly true, but what am I to do ? Reduce it by law to 5 per cent ? If you think of the consequences that will ensue, the credit that will suffer, you will realise that there is nothing doing in that suggestion. As plain man addressing plain men I assure you that honesty is the best policy. Do your best. If there is any mischief up, try to counteract it. Put forth your best effort physically, i.e., produce more, intellectually, to see that other people do not do you out of what you have earned ; otherwise, honesty is the best policy, pursue it and wait for good times to come.

THE HONOURABLE MR. HOSSAIN IMAM : Till the millennium ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I am hearing the word " millennium " ever since I started my public life. I do not believe we are anywhere nearer to it today, but then that is the experience not

[Khan Bahadur Mian Sir Fazl-i-Husain.]

only of my humble self but of many other people. We must really try to improve our position every day. Human society is like that. It is our duty to do our best to take the people a step further. It may not be a very big step ; it may not be a step which leads at once to the fulfilment of our aspirations, but it will be our determined effort to get on. The present depression is not limited to India itself but is world wide. There is no use thinking that it is possible by any show of activity on our part to get over this quickly ; it would be like the insane man who breaks his head against a stone wall. What is needed is a determined effort to get on and to improve the position. At the same time you ought not to lose your head. What has been suggested as the remedy for the troubles we are in ? We are really in trouble. My Honourable friends opposite have said, " We give you a plan ; you have just to adopt it." And what is the cure ? Appoint an all-India committee of the two Houses. One Honourable Member has shown generosity by including official Members in that committee. We are most thankful to him. But I assure you that neither official nor non-official Members on the basis of an all-India committee can contribute to the solution of this problem. Were it possible to achieve the end in that way Government would only have been too pleased to have done it.

THE HONOURABLE MR. HOSSAIN IMAM : Have you tried it ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : " Have we tried it ? "—that is the question. A perfectly sensible question. Was not, Sir, the small amount of Rs. 14 lakhs spent on the Royal Commission on Agriculture ? Perhaps I might have forgotten, but in 1925, when the Royal Commission on Agriculture was conceived I was temporarily in office ; in 1926 it came into being. Throughout the Viceroyalty of Lord Irwin that Commission travelled all over India and produced a large number of volumes of evidence, discussions and deliberations, and I believe one volume of recommendations. The Government of India has since been occupied in giving effect to such of their recommendations as the financial condition of India would permit. One of the recommendations resulted in the materialisation of an all-India organisation, the Imperial Council of Agricultural Research, of which I have the honour to be President. To meetings held under the auspices of that body Members of the Central Legislature were invited at Delhi to hear the story the Vice-Chairman of that Council had to relate and also to have the benefit of such suggestions as Honourable Members of this House and of the other House might offer. Therefore, it cannot be said that already in India an effort has not been made to grapple with this problem, because the expenditure of Rs. 14 lakhs and the existence of, I believe, 18 volumes of good size is proof positive that that has been done, and done as thoroughly as only the Government of India can be expected to do ; and having spent all that money and produced that literature, we proceeded to give effect to it. Here is the Imperial Council of Agricultural Research, the governing body of which consists of a very large number of men, and I must add, Sir, although I am President of that organisation, that that organisation has done some good. And the response for research through its efforts has been really very creditable to the people. Its researches extend over a wide scope of agricultural as well as animal husbandry problems. Honourable Members are no doubt aware that

only recently the Government of India held a Sugar Conference. Why? Because with Indian wheat losing foreign markets, prices of wheat going down, cotton threatened—the Government of India felt that it was necessary to see what can be done in the matter of sugar crops. I think the tale revealed at that conference was in every way thoroughly satisfactory. It is expected that within a year or so India's output of sugar will be as much as India is consuming today. Therefore, Sir, I have I hope succeeded in stating to the House that Government is fully conscious of the trouble from which the agricultural classes are suffering and is doing its best to overcome that trouble. It is keeping in close touch with Provincial Governments whose primary concern agriculture and its kindred departments are. As a matter of fact I do not think there is anything confidential about it. Every year we issue a circular letter to Local Governments requesting them to survey the situation every half-year and keep us informed of it, and also to tell us what steps, if any, they have taken to ameliorate the conditions of poor agriculturists. Perhaps Honourable Members would like to know what is being done in different provinces. I trust every representative of his own province keeps himself informed what the Local Government of that province is doing, but perhaps it will help matters if I were to state for the benefit of the House what is being done in different provinces.

It appears that all provinces are fully alive to the situation and have endeavoured in each case to relieve agricultural distress as far as possible by remissions, by suspensions of land revenue, by distribution of loans to the poor and by opening test works where conditions are so bad as to approach famine conditions. In Madras land revenue has been suspended since February last to the extent of about Rs. 31 lakhs. In Bombay a suspension of 2 to 4 annas in the rupee was sanctioned in the rice-growing areas and remissions in some parts of Sind ranging from  $12\frac{1}{2}$  to 25 per cent. were accorded, the total loss of revenue involved in the grant of remissions in Sind was as much as Rs. 9 lakhs. In the United Provinces remissions amounting to more than one-and-a-half crores were sanctioned. In this province, as I have no doubt Honourable Members are aware, several Bills designed to give relief to the agriculturist were introduced, dealing with the relief of agricultural indebtedness, the Reduction of Interest and Usurious Loans Bill. Honourable Members I am sure will feel gratified that the brain waves they have had were shared by their fellow legislators in the provinces as well. I understand these Bills have been referred to Select Committees. In the Punjab remissions of land revenue amounting to Rs. 9 lakhs were granted in five districts where the price of wheat at the end of March, 1933, was found to be below the rate assumed at the last settlement. These remissions were in addition to those made on account of ordinary crop failures. The Punjab Government have also recently appointed a committee to go into the matter of water rates, the dues which the Government realizes for canal water. Other provinces have also not been slow in adopting such measures as were considered necessary for the purpose of granting relief to the agriculturist in various ways.

Now, Sir, in reference to the last crop, the *rabi* crop, I believe I am right in saying that it was rather above than below the average, and the prospects of the next crop are reported to be satisfactory. These are the reports from the United Provinces, the Punjab, Bihar and Orissa, Assam and the North-West Frontier Province. In some parts of India, however, some damage has been



[Khan Bahadur Mian Sir Fazl-i-Husain.]

caused by floods. Prices of agricultural produce have in many places shown a tendency to rise. Broadly speaking, therefore, there has recently been no marked deterioration in agricultural conditions in this country, though it cannot be said that improvement has been marked. The agricultural aspect is, as I have said, being very closely watched by Government. Conditions from province to province vary very widely, so widely that an all-India committee can serve no useful purpose so soon after the Royal Commission on Agriculture. Such all-India examination as may be necessary is being conducted by the Governing Body of the Agricultural Research Council, and in order to coordinate the efforts of various provinces the Government of India is in receipt of annual, and in some cases bi-annual, reports on agricultural conditions from the provinces. I am glad that the Honourable Member recognises that the Government of India has not been slow to protect agricultural produce where it was called upon to do so. I think it was in 1931 that the Wheat Import Duty Bill was passed—

THE HONOURABLE MR. HOSSAIN IMAM : For the Punjab.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I should have thought that the Honourable Member leading a strong popular party would have thought of India and not of a province. The spirit in which the Wheat Import Duty Bill was passed was the Indian spirit and not the Punjab spirit, and if all provinces wish that every such measure should benefit in each case every part of India the result would be that no protective measure could ever be taken by the Government. Again the assistance given by the Tariff Board to sugar is well known. Where Government feel that an industry needs protection, Government is not slow to come to the help of that industry. So far as linseed is concerned, the tariff reduction of this commodity in the United Kingdom markets for foreign linseed has given an impetus to exports from India. Indian exports in April and June, 1933, were 49,000 tons as compared with 19,000 and 43,000 tons during the corresponding period of 1932 and 1931. The price of linseed was Rs. 6-5-0 per cwt. in 1931, Rs. 5-13-0 in 1932 and it has luckily gone up to Rs. 6-12-6 this year. Perhaps Honourable Members would like me to say something now about rice. Price of rice has gone down in the wake of world prices, over which neither Honourable Members nor the Government of India have any control. The price of rice is regulated by world conditions as India exports large quantities of rice to other countries. As regards cotton, Sir, the position is better this year than it was last year. The price in the first week of August this year was Rs. 206 per candy. This although somewhat lower than the price in June and July, 1933, is higher than the price in the first week of August, 1931 or 1933, which was Rs. 157-8-0 and Rs. 178-8-0 per candy, respectively. Exports have also increased. The export from 1st September, 1932 to 19th August, 1933 from Bombay amounted to 267,026 tons as compared with 152,492 tons during the preceding corresponding period.

A word now, Sir, about jute. There is no doubt that jute is not in the same prosperous position which it occupied a few years ago. This again is due to general trade depression. As Honourable Members are fully aware that is the commodity that is produced by Bengal and the Bengal Government appointed only a little while ago a Jute Inquiry Committee to consider the

various problems connected with the jute industry. So wherever Local Governments have considered it useful to appoint a committee they have appointed it. Wherever they have found it necessary to help they have within their resources given that help; and all I need do is just to say a few words reminding Honourable Members that Local Governments can only help within the means at their disposal and they cannot help beyond their means. Honourable Members are aware that there are certain charges relating to beneficent activities of Government, such as hospitals, schools, agriculture, cooperative societies, wherein a fairly large amount of provincial budget is invested, one Honourable Member asserted that 90 per cent. of the revenue is spent on law and order and 10 per cent. for the rest. Was it 90 per cent.?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : 90 per cent. of the time.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I can assure Honourable Members that 90 per cent. of my time is spent on agriculture.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I think he meant 90 per cent. of the whole time of the Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : We have not taken statistics of how the whole time of the Government is distributed, but I can speak about myself. There again it involves more in the nature of what in Oriental language is called poetical flight rather than being near the realm of reality.

That really concludes so far as the information available is concerned. I have said already that I entirely sympathise with the object the Resolution has in view and I trust I have convinced the House as to the futility of appointing a committee, because if there is one thing which succeeds in damping the enthusiasm of workers in a calamity like the present it is the appointment of a committee. Everyone cannot forge his way ahead, because he would say, "Wait, let us see what the committee recommends." Does this House want the worker in the province and at the centre to work on when work is so much needed or to wait till a committee is appointed and that committee reports? I have not the slightest doubt that the good sense of this House will say, "We want work, work steadily, study local conditions and do the best you can under the circumstances and do not go in for shelving tactics by appointing a committee."

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I, being a landholder and being in close touch with the agricultural *ryots* of my estate, am more entitled to say a few words on the subject-matter of the Resolution. India is an agricultural country where 90 per cent. of the population depends on agriculture. As a class the Indian agriculturists live a hand-to-mouth existence. With this present world-wide trade depression the prices of agricultural produce have gone down abnormally and therefore the lot of the agriculturists have become all the more pitiable. The agriculturists of India are the backbone of the

1 P. M.

[Mr. Jagadish Chandra Banerjee.]

Indian State and with these people being kept half fed and half clothed the Indian State cannot ever prosper. It is the first and foremost consideration for every Government in the land to try to better the condition of the lot of these people. The Indian agriculturists being mostly illiterate cannot adapt themselves like those of other countries to the changed times and circumstances and cannot therefore take to improved methods of cultivation for raising larger crops and better crops too. Sir, it is high time that Government instead of shedding crocodile tears for the masses should do something by which they can get better education, better living and can be more prosperous.

Sir, the Resolution demands only the appointment of a committee for investigating into the causes of the distress of the agriculturists and to suggest ways and means for bettering their prospects. Sir, if the Government can do something to ameliorate the condition of the agriculturists it will relieve to a great extent the political tension that exists at present between the masses and the Government. It is one thing to trumpet before the world by means of propaganda that the British statesmen are very gravely concerned with the prosperity of the agricultural masses of India and it is another thing to actually feel for their hard lot and to do something really good and beneficial for them. If Government opposes this Resolution on grounds of financial stringency or any other causes, I may warn them that it will be taken advantage of by the political agitators who would prove to the agriculturists that the present Government have got really no sympathy for them and do not desire to do any good to them. The present attitude of Government would be construed by them to prolong their exploitation for the benefit of the foreigners.

THE HONOURABLE THE PRESIDENT: I would point out that when I allow an Honourable Member to speak after the Government Member has spoken it is only for the purpose of answering the Government Member and not to make observations of a general character.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, when the Honourable the Leader of the House asked us to work and not to shelve the matter by referring it to a committee, I was really very glad that in this House such exhortations are made. But does that mean that we should sit idle and let things take their own course? Does it mean that we should follow the policy of Lord Asquith of "Wait and see"? Does it mean that we should be like Micawber and wait for something to turn up and do nothing? Perhaps the full realisation of the difficulties of the agriculturists will come to the Treasury Benches when I inform them that according to the Central Banking Committee's Report, the lowest rate of interest which an agriculturist pays is 25 times the rate which the Treasury Benches are now paying for 3 month Treasury Bills. The lowest rate is  $18\frac{3}{4}$  per cent. The highest rate which they pay is exactly 100 times the rate of interest of the Treasury Bills. The agriculturists, Sir, are a silent class. People who are not blessed with long tongues and who do not know how to agitate, who have neither the propaganda nor the leadership to agitate, as the commercial interest has in India, are doomed to failure. As my Honourable friend Mr. Mehrotra pointed out, the burden of debts is still heavy. The Government of India has done

nothing on that score, although I seem to remember that there was a motion for a reduction of the rate of interest and for a moratorium in the Assembly, on which the Government promised to do something.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : It did. It circularised the Local Governments and asked them to take such action as they considered necessary.

THE HONOURABLE MR. HOSSAIN IMAM : But what has been done ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Something has been done in the United Provinces.

THE HONOURABLE MR. HOSSAIN IMAM : Only in one province, without tangible results.

THE HONOURABLE THE PRESIDENT : Yes, but that is for the Local Government.

THE HONOURABLE MR. HOSSAIN IMAM : The Government of India could do some good, and I am going to give a concrete instance of the way in which it can. All the provinces in India, Sir, or as many of them as have irrigation work have pre-reform debts on which they have to pay interest. The Government has got cheap accommodation. But the way in which interest is counted is the average rate for the whole year on all sorts of debts and accordingly the provinces are charged  $5\frac{1}{2}$  per cent. at the present moment. If the Government were to reduce the interest on pre-reform debts to the rate at which they are getting their Treasury Bills we would have an enormous amount of relief in *abianu*. But they are waiting to see if something will turn up in the near future to absolve them from the work.

The Government had taken a wise step in appointing the Royal Commission on Agriculture. There is no doubt that the Commission has done a great service to India. But that was before the malady from which we are now suffering had appeared. That was appointed to cure our chronic ailment and not the new disease which in a virulent form has attacked India. It was not appointed to find ways and means to increase the prices not to redeem our debt troubles. These two troubles have cropped up after the committee was appointed and were consequently not included in the terms of reference. However good a thing might be, it cannot be a remedy for all troubles and for all time. Times are changing. New problems are cropping up and there should be a new treatment for them. It is no good thinking that you have got some sort of elixir of life, which Government can sit and utilise for all sorts of ailments and for all time.

Then the Honourable the Leader of the House suggested to us that inflation will not do the trick because others will follow in our footsteps. Well, that is somewhat of a defeatist tendency to say before starting the work that it will not pay. There are others who are making it pay. Japan has brought down its Yen below the 1929 level. Look at the United States of America ; its efforts to combat the demon of depression are really marvellous. One cannot say anything yet : it is too early to say whether they will succeed or they will fail. But one can not but admire them and one can say that they are helping their people to tide over the difficulties. One can not praise the Government of India which simply gives the precept and does not follow it itself.

[Mr. Hossain Imam.]

Let me give an instance nearer home. I forget the name of the State, but I would remind the Leader (and if he likes I will send him the name of the State later) that one Indian State in the Western India Agency has tried to face this problem in a really business-like spirit. They have taken over all the debts of the agricultural classes, repaid them, after adjustment by means of Government loan scrips, to all the money-lenders. Now the money-lenders have to get their interest from the Government at the correct rate of interest ; and a period has been fixed in which the whole debt will be paid back. If its own dependencies can do such sensible things, it is time for the Government of India to do something like it. I know the mentality of the Government. They are miserly where the interests of the people are concerned and they can be otherwise when other interests are concerned. I had very little hope of Government accepting this Resolution, but I did hope that they would at least show by their statement that they have done something in the matter. I am very much obliged to the Honourable the Leader of the House for having informed us of all that has been already done, but that only brings into glaring contrast all that has not been done. I therefore do not find my way to withdraw my Resolution.

(The Honourable the President then rose to put the question.)

THE HONOURABLE MR. HOSSAIN IMAM : I accept the amendment, Sir.

THE HONOURABLE THE PRESIDENT : That does not matter. That is for the Council to decide. Original motion moved :

“ That this Council recommends to the Governor General in Council to take immediate steps to better the condition of the agriculturists and to appoint a committee to find ways and means and to advise Government on this subject.”

to which an amendment has been moved :

“ That before the word ‘ committee ’ the word ‘ representative ’ be inserted ;

“ That after the word ‘ committee ’ the words ‘ of officials and non-officials of both the Houses ’ be inserted.”

I will first put the amendment to the House. The question is :

“ That that amendment be made.”

The Council divided :

#### AYES—16.

Banerjee, The Honourable Mr. Jagadish Chandra.  
Buta Singh, The Honourable Sardar.  
Dutt, The Honourable Rai Bahadur Pro-mode Chandra.  
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.  
Gounder, The Honourable Mr. V. C. Vellin-giri.  
Habibullah, The Honourable Nawab Khwaja.  
Hafeez, The Honourable Khan Bahadur Syed Abdul.  
Hossain Imam, The Honourable Mr.  
Kalikar, The Honourable Mr. Vinayak Vithal.

Khaparde, The Honourable Mr. G. S.  
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.  
Mehr Shah, The Honourable Nawab Sahib-zada Sir Sayad Mohamad.  
Muhammad Din, The Honourable Khan Bahadur Chaudri.  
Naidu, The Honourable Mr. Y. Ranganaya-kalu.  
Pandit, The Honourable Sardar Shri Jagannath Maharaj.  
Suhrawardy, The Honourable Mr. Mahmood.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.

Bartley, The Honourable Mr. J.

Basu, The Honourable Mr. Bijay Kumar.

Brayshay, The Honourable Mr. M. W.

Charanjit Singh, The Honourable Raja.

Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.

Commander-in-Chief, His Excellency the.

Dain, The Honourable Mr. J. R.

Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.

Ghosal, The Honourable Mr. Jyotsnanath.

Hallett, The Honourable Mr. M. G.

Henderson, The Honourable Mr. J. S.

Jayarajnam, The Honourable Mr. T. C. S.

Johnson, The Honourable Mr. J. N. G.

Maqbul Husain, The Honourable Khan Bahadur Sheikh.

Noon, The Honourable Nawab Malik Mohammad Hayat Khan.

Raghunandan Prasad Singh, The Honourable Raja.

Ray, The Honourable Maharaja Jagadish Nath, of Dinajpur.

Shillidy, The Honourable Mr. J. A.

Stewart, The Honourable Mr. T. A.

Taylor, The Honourable Mr. J. B.

**THE HONOURABLE THE PRESIDENT :** The question is :

“ That the original motion be adopted.”

The motion was negatived.

(The Honourable the President then called on the Honourable Mr. Vinayak Vithal Kalikar in whose name stood the next Resolution\* on the Agenda.)

**THE HONOURABLE MR. M. G. HALLETT :** Sir, there are three Resolutions, dealing with very much the same subject, namely, the treatment of prisoners in the Andamans and it will be convenient to Government if they are all discussed on the 11th. That is the day fixed for a similar Resolution which stands third on the list for that day. The Honourable the Home Member will I hope be able to be in this House on that day, and if it could be so arranged, it would be to the convenience of the Government for the discussion to take place then.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I agree, Sir.

**THE HONOURABLE THE PRESIDENT :** This Resolution\* will be traversed to the List of Business on the 11th.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** On a point of order, Sir. May I know what place this Resolution will get on the agenda ? I have already ballotted a Resolution for that day and I would like to know if this Resolution will be taken before or after my Resolution?

**THE HONOURABLE THE PRESIDENT :** By transferring this Resolution to the next sitting it does not mean giving precedence to this Resolution. It will be put down in the List of Business for that day. It will be placed before

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\*“ This Council recommends to the Governor General in Council that an enquiry committee consisting of official and non-official members of both Houses of the Indian Legislature be immediately appointed to enquire into the grievances of the Andamans political prisoners, who recently went on hunger strike, and the cause of death of the three political prisoners, with a direction that the Committee should submit its report by the end of this year for consideration by the Indian Legislature and Government.”

[Mr. President.]

your Resolution on that day, because in any case if the Resolution had been moved today Mr. Kalikar would get precedence and you would move your motion by way of an amendment only.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : But according to paragraph 121 the Honourable Member in whose name a ballotted Resolution stands has either to withdraw the Resolution, in which case he shall confine himself to a mere statement of fact, or move the Resolution. This procedure I do not find in the Standing Orders. Precedence is given for each day according to the ballot, and I would like your ruling as to how this Resolution gets precedence. It would have been a different thing if the Honourable Member had moved this Resolution. I am very glad to hear that the Honourable the Home Member is condescending to come here to reply to the debate and we shall be pleased to have the pleasure of seeing him in the House, but I do not see how that affects the Manual of Business and Procedure unless the Honourable Member is prepared to move his motion as an amendment to my Resolution.

THE HONOURABLE THE PRESIDENT : Your case has to be differentiated from the ordinary case. You have a similar Resolution on that day and you have an amendment today of the same nature and character. I have therefore decided that Mr. Kalikar's motion will have precedence.

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#### RESOLUTION *RE* REDUCTION OF RAILWAY FREIGHTS ON THE TRANSPORT OF PUNJAB WHEAT.

THE HONOURABLE KHAN BAHADUR CHAUDEH MUHAMMAD DIN (East Punjab : Muhanuradan) : Sir, the Resolution which stands in my name is as follows :

"This Council recommends to the Governor General in Council to take early steps to reduce the railway freights on the transport of Punjab wheat to the extent necessary for securing its sale on reasonable prices in markets which are situated in other provinces."

Sir, wheat is one of the chief products of Northern India and especially of the Punjab. The diet value of wheat has been proved by a remarkable test carried out recently by Colonel McCarrison at the Food Research Institute, Coonoor. I hope my friends from Bengal and Madras will try to bring the results of these useful tests to the notice of residents in their constituencies. The necessity of supplementing a staple food diet by the growth or importation of wheat and the resultant necessity for cheap transport are questions in which nutrition and agricultural research are inseparably linked. At present we have got large stocks of wheat in the Punjab lying idle and the co-operation of the Railway Department is necessary for its cheap transport to Indian markets. When the Punjab wheat producer finds it difficult to dispose of his surplus stock, he finds himself beset with many difficulties. He cannot easily pay Government revenue, he cannot pay his debts and he finds it impossible to secure the elementary necessities of life for himself and for his family. It is obviously up to the Government therefore to secure markets for the disposal of this commodity. There is a widespread feeling in the country and especially in the Punjab that railway rates for the carriage of wheat at present in force do

not encourage such disposal. Government should therefore come to the rescue of the zemindar in this case and help him by lowering railway freights on food grains. I take this opportunity to emphasise once again that the present distressful condition of the peasantry cannot be mitigated without raising the general level of prices of agricultural products. A similar condition is likely to arise in the near future about cotton also. It is expected that railway earnings will improve if facilities are afforded to dispose of the surplus stocks of food-grains.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move:

“That for the words ‘Punjab wheat’ the words ‘all agricultural products’ be substituted.”

This is an all-India problem and the situation of all agricultural products is the same as that of Punjab wheat. I have therefore moved this amendment, so that when Government is pleased to give this concession it may apply to all provinces and all agricultural products. That is my only object and to the Resolution as amended I give my whole-hearted support, as it will give relief not only to the Punjab but all the provinces of India.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): I have great pleasure in supporting this Resolution. A land-locked province like the Punjab can only find other markets if it can secure favourable freight rates for its agricultural produce. As things stand, the flow of wheat to Karachi from the Punjab must now come to an end. Karachi will meet not only its own needs, but will supply to a very large extent Calcutta and Bombay by sea, the only markets on which we can depend to consume our surplus wheat. It is therefore imperative that we must have favourable rates from Lyallpur to Calcutta and Bombay to enable us to send our surplus produce to these markets.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Nawab Malik Mohammad Hayat Khan Noon.)

I have every hope that the Government of India recognising the peculiar situation in which the Punjab is placed will be pleased to allow favourable freights on agricultural products, and fix such rates as would enable us to place our produce in the markets of Calcutta and Bombay.

THE HONOURABLE MR. M. W. BRAYSHAY (Chief Commissioner of Railways): Sir, I must in the first place express my sympathy with the object of this Resolution in that it is to increase the consumption and the movement of wheat and similarly to increase the consumption and the movement of all agricultural produce. The Government of India are equally anxious to increase such movement and if the reduction of railway freights would achieve this end they would only be too glad to make such reductions, provided the increase in the net earnings due to the additional traffic would offset the loss on the existing traffic and the Railways would be able to pay their way. I think I may claim that in this matter of increasing the movement of agricultural produce the interests of the Railways are in harmony with those of the agriculturist in that their traffic receipts would also increase or rather the volume of their traffic would increase. Unfortunately the Railways have no large surpluses that



[Mr. M. W. Braysbay.]

would permit them to contemplate any general reduction of their earnings. On the contrary, they are feeling the effects of the depression just the same as agriculture, trade and commerce generally. They are in fact at present working at a deficit and although the earnings this year show a welcome improvement on last year of over Rs. 3 crore, this is relatively a small sum compared with the budgeted deficit for the year of something like Rs. 7 crores.

(At this stage the Honourable the President resumed the Chair.)

In short, the financial position renders it impossible for the Railways to make a general reduction in freights that would result in a reduction of earnings. Some idea of the amounts that might be involved will be obtained from the fact that in 1931-32 the Railways carried about 12½ million tons of agricultural produce. In this I cover rice in husk, rice not in the husk, grain pulse, wheat, jowar, bajra, other grains, oilseeds, cotton pressed, cotton unpressed and fodder. The earnings on this 12½ million tons amounted to rather less than Rs. 16 crores. An all-round reduction of freights by say 10 per cent. would therefore mean a matter of over Rs. 1½ crores; unless the Railways could get by reducing the rates an increase in the traffic sufficient to offset the loss in the earnings they could not stand the loss that would ensue. During the past two or three years the Railway Board and individual Railways have had under constant examination the possibility of increasing their revenues by reducing rates. They have discussed this frequently with the Agents of Railways individually and they have had two conferences with the Agents of Railways. Their great endeavour has been to find whether they can possibly improve the position, whether they can induce some movement of the produce by a lowering of the rates and the examination they have made has covered not only the wheat of the Punjab but most of the major commodities that are produced in India. It seems certain that any all-round reduction on railway freights could only result in a serious depletion of railway earnings and be extremely embarrassing financially. In many cases, however, reductions have been made locally. Whenever it is seen possible to get an improvement in the movement of traffic there the consideration of the effect of reducing the rate has been taken in hand and in many cases has been given effect to. Evidence of this is in the fact that on the North Western Railway alone there are at present no less than 700 special local rates covering all commodities, not only agricultural. As an example of the efforts that have been made to increase traffic by lowering rates, I may mention the case of wheat which is the subject of the Resolution and of course is also covered by the amendment.

Early in 1931 the rates for wheat from the Punjab to Karachi were reduced in an endeavour to encourage the export of wheat. The result was that a certain amount of existing traffic was diverted to the sea route from the rail. But there was no material effect on the export of wheat and the experiment having resulted in the loss of Rs. 16 lakhs the rates were withdrawn. Later, at the instance of the Punjab Government special rates from the Punjab to collect were introduced under a guarantee from the Punjab Government. The Railway Board were not satisfied that the reduction that was then proposed would result in an adequate increase in the traffic but the Punjab Government pressed for it to be done and offered this guarantee. This experiment also failed to produce the desired results and the rates had to be withdrawn after a trial of

some six months. This year again an effort is being made to induce and increase in the traffic from the Punjab to Calcutta. So far the rates have applied for a few months but the results that we have obtained are most disappointing. The increase in the traffic has been very little. Generally therefore the problem that is before the Railways is whether by reducing the rates they can increase the traffic. This is what is desired I understand by the mover of the Resolution. If we could increase the traffic adequately by reducing the rates as I have already said, nothing would please us better. Unfortunately we cannot see that we can attain this result and the particular case of the wheat from the Punjab has been examined very closely and as I have just now explained we have not only made experiments to see whether we can get the increase in traffic but we are doing so at the present moment.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** What about wheat from the United Provinces? You are only considering Punjab wheat.

**THE HONOURABLE MR. M. W. BRAYSHAY :** I am giving as a particular case wheat from the Punjab as that is the subject of the Resolution. In regard to all other commodities investigations have been made by all Railways, in some cases at the instance of local authorities in each of the various provinces. But on all Railways it is the object to increase the traffic if we possibly can by reducing the rates. It is for that reason the Railway Board have discussed the matter with all the Railways individually and together and all the Railways have themselves investigated these problems. But the Resolution and the amendment in particular are on very broad lines. There cannot be any doubt that if we were to act on that proposal for all-round reduction or, as far as the Punjab wheat is concerned, for a general reduction on the wheat from the Punjab, if we were to act on it, it must involve the Railways in a very serious financial loss and as we are running at a deficit, that loss must sooner or later be passed on to the tax-payer.

As the mover has not mentioned any particular cases, I am not of course in a position to deal with any particular case. I know that one point that has been suggested is that agricultural produce is carried at unduly high rates. But all our rates are fixed so that we will get the maximum traffic we can. So that if we increase them the traffic will fall and so we reach the middle position.

It has been said that the wagons returning empty to the coalfields from the Punjab might be filled with wheat, especially at a lower rate. Here we get back to the same problem. We cannot reduce those rates unless we can get an increase in the traffic. If we can get an adequate increase in the traffic then we would be only too pleased to reduce the rates. But our examination does not show that we will have any chance of effecting that reduction. As I have explained, the Railway Board and the Railways have been examining these problems constantly for the last two or three years and wherever possible they have reduced the rates. But that has generally been on local traffic.

Sir, Government are unable to agree to a general reduction of railway freights on agricultural produce nor to a general reduction on Punjab wheat, to other provinces.

**THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN :** Sir I am thankful to the Honourable Mr. Brayshay for giving us an account of all

[Khan Bahadur Chaudri Muhammad Din.]

these experiments they have made. The thing is that long, long ago, letters were carried by the English Post Offices for eight annas or a rupee, and they reduced it, and popularised the system, and the country is gaining under the reduction. When I see some trains going empty between some stations, and when I find that the Railway is running at a loss, I always think that if they reduce the rate a little, they will be able to induce people to travel by the railway, which is safer than the lorry. If you reduce the rate, for, say, two or three months, you cannot appreciate the result. The result shows itself only after an interval. In three or four months people do not even know that there has been any reduction. In such cases they have to wait a little. When the stock is there and the zemindar cannot move it, he does not pay anything to the railway and the railway is a loser. Suppose there is a little increase of traffic ; even then the railway gets something out of it. Therefore it is better to have something than nothing and also to help the zemindar, and in due course he will come forward to help you. At present the zemindar has got no money to travel and the result is that the earnings of our railways are suffering. If you help them and make a sacrifice to a certain extent, certainly the day will come when you will get better earnings and also a contented peasantry and many other things. This disappointing attitude of the Railway Department is rather depressing. I would therefore ask the Member in charge to impress upon the Railway Board the necessity of considering the advisability of some reduction.

THE HONOURABLE THE PRESIDENT : You have not informed the Chair whether you propose to withdraw your Resolution ?

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : I would rather withdraw it.

The Resolution\* was, by leave of the Council, withdrawn.

THE HONOURABLE THE PRESIDENT : In the circumstances the amendment necessarily falls.

I do not propose to trouble Honourable Members to come back after lunch as there is only one Resolution to dispose of. I will therefore ask the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra to read his Resolution so that he may not lose his priority and the debate on it will begin on the next non-official day.

#### RESOLUTION *RE* SALE OF SILVER.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I beg to move :

" That this Council recommends to the Governor General in Council to place on the table the entire correspondence which has taken place between the Secretary of State and the Government of India regarding the sale of silver from India's silver reserve for the payment of a portion of the Debt instalment to the United States."

THE HONOURABLE THE PRESIDENT : The debate will begin on the next non-official day.

The Council then adjourned till Eleven of the Clock on Tuesday, the 5th September, 1933.

## COUNCIL OF STATE.

*Tuesday, 5th September, 1933.*

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The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

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### QUESTIONS AND ANSWERS.

#### SILVER.

140. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad): (a) With reference to the payment of the token instalment of the American debt by means of silver acquired by Britain from India's reserve, was the Government of India previously consulted by the British Government in the matter?

(b) Is it a fact that on the 11th of June last Sir George Schuster in an interview with a representative of the *Hindustan Times* with reference to a report emanating from Washington said that there was a possibility of Britain paying the debt instalment out of the silver reserves of the Government of India? Did he further say that it was all a rumour, that the British Government had not so far approached the Government of India on the subject, and that the possibility of such action had not even been discussed in their despatches?

(c) Is it a fact that three days after this interview came the announcement that the token payment would be made in silver acquired from India?

(d) Is it a fact that the decision of His Majesty's Government in the matter had not been arrived at up to June 13th?

(e) Is it a fact that on June 15th last Mr. Chamberlain made an announcement in the House of Commons that President Roosevelt had accepted the British offer of ten million dollars as acknowledgment of debt payment to be made in silver at 50 cents per fine ounce which had been acquired from the Government of India?

(f) Was the question of price settled at the time when the silver was acquired or were the Government of India ignorant of the price they were to receive from Britain for the silver sold?

(g) Is it a fact that the actual cost of the silver transferred from the Government of India to the British Government is understood to be approximately £1,600,000, or about 2 crores and 12 lakhs of rupees?

(h) Are Government aware that Mr. D. P. Khaitan has said that the market price in India of the silver which has been acquired by Britain is about rupees 3 crores and 12 lakhs, and that the price paid by the United States for it would come to about 3 crores and 30 lakhs of rupees?

(i) Will Government be pleased to state whether the transaction has been a profitable deal for Britain or India ?

(j) Has India been paid, or is she to be paid in gold or in British securities ?

(k) Is it a fact that the Southern India Chamber of Commerce addressed the following telegram to the Finance Department of the Government of India :—“ The Chamber regrets that while Indian gold reserves are being badly depleted the Government of India should have agreed to the use of Indian silver stocks for repayment of British debts due to the United States of America. This Chamber strongly protests against such dissipation of Indian resources of precious metals as it will lead to the weakening of our financial and economic position ”?

THE HONOURABLE MR. J. B. TAYLOR : (a) to (j). The attention of the Honourable Member is invited to the reply given to question No. 19 asked by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra on the 29th of August, 1933.

(k) Yes.

THE HONOURABLE MR. HOSSAIN IMAM : Part (h) is a new item to which the Government has not replied.

THE HONOURABLE MR. J. B. TAYLOR : Government is not aware of what Mr. D. P. Khaitan may have said.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : What is the reply to part (g) ? It was not in my question, Sir.

THE HONOURABLE MR. J. B. TAYLOR : That question was answered in my answer to question No. 19.

#### RECOGNITION OF THE PROVIDENT FUNDS OF THE BENARES AND OTHER UNIVERSITIES.

141. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad) : (a) Have the Government of India received a representation from the Benares Hindu University through the Government of the United Provinces, asking for the recognition of the Provident Fund, instituted by the University under section 16A of Act XVI of 1915, as amended by Act XXIX of 1930, for the purpose of securing its exemption from income-tax and surcharge under section 8, clause 3 of the Provident Fund Act of 1925 ?

(b) If so, what action have Government taken in the matter ?

(c) Is it a fact that the Provident Funds instituted by the Aligarh, Allahabad, Lucknow, and other Universities have been recognised by Government and the Commissioner of Income-tax for the purpose of exemption from income-tax and surcharge ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (a) Yes.

(b) The matter is under consideration.

(c) Yes.

**PARTICIPATION OF THE INDIAN PUBLIC IN THE FORTHCOMING INDO-JAPANESE NEGOTIATIONS.**

142. **THE HONOURABLE MR. HOSSAIN IMAM** (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad): (a) Is it a fact that a Japanese Delegation is shortly visiting Simla to negotiate with the Government of India on the subject of future trade relations between India and Japan?

(b) What are the plans of the Government of India about the proposed Indo-Japanese negotiations?

(c) Have Government received any representation from the United Provinces Chamber of Commerce asking Government to afford a fair opportunity to the Indian public to participate in the negotiations between the Japanese Delegation and the Government of India?

(d) Will Government be pleased to state if an opportunity will be afforded to the Indian public to participate in the said negotiations?

**THE HONOURABLE MR. T. A. STEWART:** (a) and (c). Yes.

(b) and (d). Government are sensible of the desirability of consultation with Indian industrial interests throughout the forthcoming Indo-Japanese negotiations and have accordingly requested certain representative industrial and commercial bodies to nominate representatives who may form a panel of un-official advisers whom the Indian Delegation can consult from time to time on problems that may arise during the discussions.

**SHORT NOTICE QUESTION AND ANSWER.**

**FREIGHT ON PUNJAB WHEAT.**

143. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY:** Is it a fact that under the Indian Railways Act the railway freights on commodities are fixed by Government with maximum and minimum freights within which the different railways are given the option of variation according to the exigencies of circumstances? If so, will Government be pleased to state whether the present freights on Punjab wheat has been brought down to the minimum level of freights beyond which it is not possible for the administrations to lower it without the amendment of the Railway Act.

**THE HONOURABLE MR. M. W. BRAYSHAY:** There is no clause in the Indian Railways Act which provides that Government should fix maxima and minima rates within which the Railways may vary their charges. The Secretary of State has however been vested with such powers under the contracts entered into with Company-managed Railways and in respect of State-managed Railways the Railway Board as their controlling authority has restricted the powers of Agents to vary rates between certain maxima and minima. An infringement of these limits requires the Railway Board's approval. The scale of charges at present in force for wheat in the Punjab is above the minimum rate prescribed by the Railway Board.

## INDIAN ARBITRATION (AMENDMENT) BILL.

**THE HONOURABLE MR. J. BARTLEY** (Government of India : Nominated Official) : Sir, I move :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, be taken into consideration.”

It is unnecessary to explain at any length the purpose of this small Bill. That has been done very clearly in the statement of objects and reasons. The present Bill is merely an amendment designed to clarify the meaning of section 19 of the Act, owing to the fact that the expression “ the Court ” in that section has been differently interpreted by various High Courts. The Allahabad High Court and the Bombay High Court now hold views which would render this amendment unnecessary, that is to say, the views that they hold are directly in conformity with the object achieved by this small Bill. The Bombay High Court formerly held a contrary view and the Calcutta High Court I think still holds a contrary view, namely, that the expression “ the Court ” in this section must be interpreted in accordance with the definition given of that expression in section 4 of the Act in spite of the fact that in section 4 of the Act it is provided that where the context otherwise requires the words “ the Court ” need not necessarily mean the High Court or the District Court. This Bill puts the matter beyond doubt, and that is the only object which it is aimed at achieving.

I move, Sir, that the Bill be taken into consideration.

**THE HONOURABLE MR. BIJAY KUMAR BASU** (Bengal : Nominated Non-Official) : Sir, may I say that this Bill has not come a day too soon. There were difficulties experienced in Calcutta, at any rate, where the litigants as well as practising lawyers found a lot of difficulty with the interpretation of the words “ the Court ” in section 19 of the Indian Arbitration Act. This small amending Bill will set all controversies at rest and the practitioners as well as the litigants will know where they stand. I fully support the Bill.

**THE HONOURABLE THE PRESIDENT** : The question is :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. J. BARTLEY** : Sir, I move :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, be passed.”

The motion was adopted.

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## CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF** : Sir, a few days ago I introduced a Bill further to amend the Cantonments (House-Accommodation)

Act, 1923, for a certain purpose. This, Sir, is a very small and non-contentious measure which I am sure will be accepted by the House without difficulty and about which therefore I need only say a very few words.

It is designed to save the house owner, whose house it is proposed to appropriate under the provisions of the Act, from the possible inconvenience and expense of having to make a reference to the court on the question of rent or repairs before he knows for certain by appealing to the Officer Commanding the district whether his house is really to be appropriated or not. Everyone would, I think, agree that all possible consideration should be given to house owners when it becomes necessary to appropriate their house, and, even though the new procedure will entail a little delay from our point of view, we fully recognise that this proposal which was put before us by the All-India Cantonments Association is reasonable in itself. In order to minimise the delay referred to we have slightly reduced the period allowed for making the appeal to the Officer Commanding the district ; but this again I think will be recognised as reasonable and as the Cantonments Association have expressed complete satisfaction with the Bill I think the House can safely accept it without further delay.

Sir, I move :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, be passed.”

The motion was adopted.

## WORKMEN'S COMPENSATION (AMENDMENT) BILL.

THE HONOURABLE MR. J. A. SHILLIDY (Industries and Labour Secretary) : Sir, I move :

“ That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by the Legislative Assembly, be taken into consideration.”

Honourable Members are aware that the Workmen's Compensation Act was introduced as an experimental measure in 1923. Thereafter followed certain modifications in 1929. These were minor modifications, but at the same time the more important questions underlying the Act were discussed in a letter circulated to Local Governments for their opinion. The replies of the Local Governments were then put before the Royal Commission on Labour. The Royal Commission considered these replies at the time of their investigations



[Mr. J. A. Shillidy.]

during their tour and made their recommendations in their report. The Government of India considered all these replies and the recommendations of the Royal Commission on Labour and drafted a Bill which was introduced in the Assembly. Thereafter the Bill was again considered carefully before a Select Committee which made certain alterations and again certain minor amendments followed in the debate in the Assembly. I mention these facts to give some assurance to the Council that this question has been very carefully investigated and that all that could be done to revise the Bill to suit it to our requirements has been done. I feel it is hardly necessary to speak at length because I am very glad to see that there are no amendments, which I hope means that the Members of this Council after a study of all the papers have felt that there is really nothing to add to the Bill as it now stands.

In considering the Workmen's Compensation Act there are obviously three important points which must always be considered. The first is the class of persons to whom the Act should apply. The second is, I think, the question of the dependants to whom compensation should be paid in the event of the death of a workman. The third is the amount of compensation. I propose to deal very briefly with those three heads. Turning to the question of the persons to whom the Act should apply those Honourable Members who have read the report of the Royal Commission on Labour will find that the Act as it stands applies to persons employed in branches of industry which are both organised and hazardous. The Royal Commission went into this question very carefully and they came to the conclusion that there was now room for expansion. The result is that most of those recommendations have been accepted and it will be clear to any Member who examines the number of entries in Schedule II of the Act as it now stands and the number of entries in Schedule II of the Bill as it comes before us. There is, however, one particular class to which I must refer and that is seamen. Under the Act the position is that a seaman is not entitled to any compensation for injuries unless he is employed in an Indian registered sea-going ship or home-trade ship of not less than 300 tons or in an inland steam vessel which comes under the Indian Steam Vessels Act of not less than 100 tons. The Select Committee went into this question and they saw no reason why there should be any difference between a ship which was registered in India or registered elsewhere or not registered at all. Consequently they omitted the definition of a "registered ship". If you will turn to item 6 of Schedule II to the Bill you will find that any seaman who is employed on a vessel which is a steam vessel or propelled otherwise mechanically or electrically or is in a boat which is towed by a steamship now comes under the Act. In addition to this, there is a further expansion—any seaman who is employed in a ship which does not come under any of these categories also comes under the benefit of the Bill if the ship is of not less than 50 tons. That I think shows that so far as the classes of persons to whom the Act is applicable is concerned there has been a very wide extension which has been justified by our experience of the Act since 1924. The other point to which I should like to draw the attention of the Council is the question of dependants. The Royal Commission in considering this question and comparing it with the

British system were of the opinion that the present scheme of the Act was the best which could be devised at all events at present for India and they only recommended two additions to the dependants which are now covered in the Act and that was widowed sisters and widowed daughters. The Government of India in introducing their Bill added only widowed sisters and widowed daughters as recommended by the Royal Commission. When it went before the Select Committee, however, they felt that there were not infrequently relatives who were dependants of a deceased workman who might be included. At the same time, if they were to introduce them there was a danger of abuses creeping in and consequently they divided the categories of dependants into two classes. The first are those who are very nearly related and the second are people less closely connected. But those in the first category need not prove dependence while those in the second category must do so. The third main point is the amount of compensation that is to be given to the dependants of a deceased workman or to the injured workman himself. The Royal Commission also considered this and they recommended that the clauses in Schedule 4 should be expanded. The recommendations of the Royal Commission in that respect have been accepted. They further recommended somewhat more generous terms. Any Member who wishes to compare Act IV as it now stands with the Schedule, and Schedule 4 in the Bill will see what the results of those are, but I might mention one or two small cases. For example, the compensation which would have been permissible to the dependants of a man working on Rs. 10 had he died as the result of an accident would have been Rs. 300 under the Act. Under the Bill it now becomes Rs. 600. Under the Act, the compensation to a workman on Rs. 10 p.m. (I am taking the very small figure, just for easy calculation, of Rs. 10), who was permanently and totally disabled would under the Act have been Rs. 420; it will now become Rs. 700. The maximum provision for permanent disablement was Rs. 2,500; it now becomes Rs. 5,600. As regards minors, for permanent total disablement there is now a fixed sum of Rs. 1,200.

I do not think, Sir, that there are any other points that I need trouble this Council with. There are of course questions of procedure and they are important. They have been examined very carefully and various amendments have been made. The Royal Commission on Labour said that a great deal of the success of the Act had depended on its extreme precision and on the special machinery which was applied or devised for its administration. Both these two characteristics have been maintained in the Bill. The Bill still remains extremely precise and we still have that special machinery. Sir, I feel that I can recommend to the House that after all the labour which we have spent and the inquiries which have been made the Bill can safely be accepted.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I take this opportunity to congratulate the Honourable mover of the Bill as well as the Member in charge. The Honourable Sir Frank Noyce has kindly condescended to attend today's meeting of the Council when his Bill is being

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

piloted in this House. I must confess, Sir, that this is not the first occasion for he has graced this Council several times in the Delhi session as well and when I complained about this matter it was not regarding his attitude to this Council but to that of the other Executive Councillors who did not attend the whole of the last Delhi session. So I must congratulate him heartily as well as the House on his presence here when his Bill is being piloted.

Sir, as regards the merits of the Bill, I must say that it is a great improvement on the Bill of 1923 as it brings more workmen under the scope of the Act. The Bill, Sir, does not go far enough according to the desires of the Labour Members but I think that after all this is an experimental measure and let us proceed cautiously and therefore we on this part of the House are no doubt satisfied with the improvements incorporated in the Bill.

Sir, I particularly draw the attention of the Members to some of the salient features included in the Bill. Some of them have already been mentioned by the mover of the Bill. One particular item that affects Honourable Members of this House is that motor drivers of private car owners have also been included in the Bill, so that if there is any accident to them the owners will be liable to pay compensation. I think after all they lead a hazardous life and it was in the fitness of things that they have been incorporated in the Bill. A number of persons employed in connection with explosives have also been included and it was quite right. A large improvement has been made so far as ships are concerned and I must say that the Government has removed the distinction between the ships registered in India and other ships and this was very much liked by the public in general. Then, Sir, further changes have also been made in connection with the men employed in building and construction works, for instance marine works, posts and telegraphs, etc. As far as I can find out, the men employed in private buildings have been excluded and I am glad for their exclusion because it was not necessary at the present time to include them also. Then, Sir, with all these good incorporations there are some points which ought to have been incorporated as well. For instance, the Royal Commission on Labour recommended the compulsory insurance against risk of accident. I think it was a very good recommendation of theirs and if it had been incorporated it would have been of great advantage to the individual employees.

Lastly, I would like to make one or two observations in connection with the procedure on these Bills. Bills, however important, are not referred to Select Committees of this House. They are not even referred to a Joint Committee of both the Houses. The result is that reports of Select Committees are not circulated to Members of this House. We do not know what was done in the Select Committee, who were in favour of certain provisions and who were not. If Bills are referred to a Joint Committee, our representatives will be there and they will be in a position to state what happened about certain amendments which were incorporated in or deleted from the Bill and we would be in a better position to know the points of view of the members of the Select Committee. I therefore protest strongly on this matter and would request Government that, if they do not see their way to refer these Bills to a Select

Committee of this House, they may at least be pleased to have some representatives of this House at a joint meeting so that they may be able to explain to the House the position taken up by the Select Committee.

With these words, Sir, I associate myself with the remarks that have been made by the mover of this Bill and support the motion for consideration.

**THE HONOURABLE SIR FRANK NOYCE** (Industries and Labour Member) : Sir, I am in the very fortunate position of having only a very few criticisms to meet. While I appreciate what my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra has said, I should like to correct him on one point. I do not think he is correct in talking of my condescension in coming to this House today. I regard it as a great privilege to be here and it is a privilege which I should like to exercise much oftener than I do. But in Simla, as Honourable Members are aware, considerations of distance make it difficult for the Members of Council who are in the Assembly to come to this House as often as they would wish.

My Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra had only one small criticism in connection with the merits of the Bill, and that is the question of compulsory insurance. I need hardly say that all the recommendations of the Royal Commission were very carefully considered. I do not recollect the particular recommendation of the Commission to which he refers but, if there were such a recommendation, we were unable to adopt it because it was not suitable to Indian conditions.

On the question of procedure, Sir, I think it is hardly for me to offer any comments. That, I think, is a question far more for the Leader of the House than for me. But I do appreciate the advantage it might be to Members of this House if they had the reports of the Select Committees of the other House before them in considering measures which come up here, but I should say, Sir, that that is hardly a matter for Government. It is a matter between you, Sir, and the Honourable the President of the other House. In this instance if, as I am sure has been the case, Honourable Members have read the reports of the debates in the other House, they will have found no difficulty in ascertaining for themselves what views were expressed by the critics of the Bill in the Select Committee.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** : Some times we do not get the proceedings when the Bill comes here.

**THE HONOURABLE SIR FRANK NOYCE** : In this case, Sir, all the points raised in the minutes of dissent attached to the report of the Select Committee were pressed in the other House in the shape of amendments, and I may add, were all defeated.

I should like, in conclusion, to express my appreciation of the attitude of the House towards this beneficent measure which, I am glad to say, met with the support both of the representatives of capital and of labour in the other House, which is a good augury for the success of its future working.

**THE HONOURABLE THE PRESIDENT :** The question is :

“ That the Bill further to amend the Workmen’s Compensation Act, 1923, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 23 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. J. A. SHILLIDY :** Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

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### STATEMENT OF BUSINESS.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN** (Leader of the House) : I have to announce, Sir, that in order to expedite our legislative programme, it is desirable that the Council should meet on Thursday, the 7th September, 1933, with a view to the consideration and passing of the four Bills which were laid on the table on the 4th September, 1933.

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The Council then adjourned till Eleven of the Clock on Wednesday, the 6th September, 1933.

## COUNCIL OF STATE.

*Wednesday, 6th September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### QUESTIONS AND ANSWERS.

#### FUTURE STRENGTH OF THE EUROPEAN PERSONNEL OF THE ARMY IN INDIA.

144. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam) : Has the attention of Government been drawn to the press report of a letter of His Excellency the Commander-in-Chief about the future strength of the European personnel of the Army in India? Is Government aware that one report says that he (His Excellency) advocates the doubling of the European forces in the new Constitution, while the other says that he demands doubling if no reforms are granted? Will Government intimate the exact facts about this letter, and state whether this is the personal opinion of His Excellency the Commander-in-Chief or the view of the Government of India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I presume that the Honourable Member is referring to Sir Philip Chetwode who, while he is on leave, is not Commander-in-Chief. Government have seen the so-called Press reports but have no further information on the subject.

#### CONVICTIONS IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

145. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam) : Will Government state the number of persons arrested and convicted for civil disobedience movement crimes from 1st to 21st August, 1933, in each province of India?

THE HONOURABLE MR. M. G. HALLETT: I lay on the table a statement giving the information in my possession. The figures relate to the number of persons convicted, not necessarily imprisoned. I have no separate figures relating to the number of arrests.

*Statement showing approximate number of convictions under the ordinary law and central and provincial Acts during the first fortnight of August, 1933.*

Madras	..	..	..	..	..	32
Bombay	..	..	..	..	..	57
Bengal	..	..	..	..	..	Not available.
United Provinces	..	..	..	..	..	21
Punjab	..	..	..	..	..	60
Bihar and Orissa	..	..	..	..	..	111 up to the 12th August, 1933.
Central Provinces	..	..	..	..	..	7
Assam	..	..	..	..	..	1
North-West Frontier Province	..	..	..	..	..	3
Dolhi	..	..	..	..	..	6
Coorg	..	..	..	..	..	Nil
Ajmer-Merwara	..	..	..	..	..	Nil
Total	..	..	..	..	..	298

**REPRESENTATION OF MUSLIMS AND OTHER MINORITY COMMUNITIES IN  
THE SUBORDINATE RAILWAY SERVICES.**

146. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam): Will Government lay on the table its decision on Mr. Hassan's report on Railway services? What action have they taken or do they propose to take on it and when will such action be taken ?

THE HONOURABLE MR. M. W. BRAYSHAY: A copy of the orders issued in connection with suggestions Nos. 1, 2, 3, 4, 5, 6, 14 and 15 in Mr. Hassan's report is placed on the table of the House. Orders on the others depend on the decision on the general question of the future communal proportion for recruitment which is under the consideration of Government.

**GOVERNMENT OF INDIA.**

**RAILWAY DEPARTMENT.**

(RAILWAY BOARD.)

No. 660-E.G.

*Dated Simla, the 31st August, 1933.*

To

THE AGENT, (1) EASTERN BENGAL RAILWAY.  
(2) EAST INDIAN RAILWAY.  
(3) NORTH WESTERN RAILWAY.  
(4) GREAT INDIAN PENINSULA RAILWAY.

DEAR SIR,

*Representation of Muslims and other minority communities in the subordinate Railway Services.*

With reference to the correspondence resting with your letter (1) No. 185-E./18, dated  
(2) No. A.E.-840/1, dated  
(3) No. 831-E./281/11,  
(4) No. 21239-R., dated

13th July, 1933.

22nd June, 1933,

dated 20th June, 1933.

5th June, 1933,

I am directed to state that after considering the views furnished by the various State-managed Railways, the Railway Board have decided that the following action should be taken on the recommendations made by Mr. Hassan in his report on the "Representation of Muslims and other minority communities in the subordinate Railway Services" except recommendations Nos. 7 to 13 which are still under consideration and on which orders will issue in due course.

*Recommendation No. 1.*—The Divisional Selection Boards should be held on different dates to enable a candidate rejected in one Division to try in another, or Divisions where members of minority communities are available in large numbers should be asked to recommend candidates of these communities in such numbers to the Central Selection Board that if there is any deficiency in one Division it may be made up by excess in the other.

*Decision.*—\*(In the case of Railways where final appointments are made by a Central Selection Board, the Divisional or District Selection Boards should, where candidates

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\* ( ) To Great Indian Peninsula, North Western and Eastern Bengal Railways only.

of minority communities are available in large numbers, recommend candidates in such numbers that if there is a deficiency in any other Division or District, it might be met by candidates from these Divisions. Similarly, on Railways where final appointments are made by Divisional or District Selection Board, should there be any difficulty in selecting the required number of candidates of minority community in any Division or District a requisition for the remaining number should be placed on those Divisions or Districts where the candidates of that minority community are available in larger numbers.) \*(If one Division has a number of candidates belonging to the minority communities who pass the Selection Board and who are in excess of the number required on that Division, the Divisional Superintendent should offer them to other divisions on the distinct understanding that they will be posted to and remain on the Division or District where they are appointed to work.)

*Recommendation No. 2.*—The rule that preference should be given to sons and relatives of Railway employees should be suitably amended so as not to affect the Muslim Interests adversely.

*Decision.*—It is noted that the operation of Rule 63 of the “ Rules for the recruitment and training of subordinate staff on State-managed Railways does not act detrimentally to the interests of the minority communities as 1/3rd of the vacancies are reserved for the redress of marked communal inequalities. In view of this, the Railway Board do not consider any further orders are necessary.

*Recommendation No. 3.*—Provision should be made for the redress of communal inequalities in the rules of recruitment relating to Apprentice Mechanics.

*Decision.*—Necessary provision has been made in this respect in the “ Rules for recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical Workshops of State-managed Railways ”, *vide* this office letter No. 2434-E., dated the 23rd March, 1933.

*Recommendation No. 4.*—In cases in which promotion is given by branches of an office necessary adjustment should be made to see that the subordinate staff in each branch have fair chances of promotion to the higher grades.

*Decision.*—The Railway Board desire that the subordinate staff in each branch of an office where promotion is given by branches, irrespective of the community to which they may belong, should have reasonable chances for promotion to the higher grades. †(In this connection, I am to point out that paragraph 2 of this office letter No. 917-E.G., dated the 6th August, 1931, to which you refer in your reply does not affect this recommendation, the object of which as explained in paragraph 153 of the report is that in cases in which promotion is given by branches of an office the distribution of the staff should be made in such a manner that each member of the staff may have a reasonable chance of promotion to rise to the higher grades.)

*Recommendations Nos. 5 and 14.*—5. The attention of all the Railway Administrations should again be drawn to the fact that it is the intention of the Railway Board to provide special training facilities for Muslims, which will in the course of time fit them for higher posts and they should be asked to inform the Railway Board at the end of each year what definite action has been taken by them in the matter.

14. Muslims with the requisite qualifications should be selected from among those already in service and given special facilities for training for the higher posts.

*Decision.*—The Railway Board are averse to adopting any arrangement which may savour of communal discrimination in respect of existing employees. They consider it of importance that no man's claim to promotion should be overlooked because he belongs to a particular community and special consideration should be given to the provision of training facilities for higher posts for all communities. Particular care should be taken to see that communities that are inadequately represented in the higher posts are given careful consideration and adequate training to fit them for higher posts.



*Recommendation No. 6.*—Action should be taken to increase the number of Muslims in the Establishment sections of Railway Offices.

*Decision.*—The Board consider that it is important to ensure that particular communities are not handicapped by the preponderance of any one community in the Establishment branches of Railway Offices and leave it to you to take whatever steps may be necessary for this purpose.

*Recommendation No. 15.*—A special organization, the duration of which will depend on the extent to which the Railway Board are prepared to accept my recommendations should be set up at the headquarters of the Railway Board to assist and advise the Railway Administrations in carrying out the orders that the Railway Board may be pleased to pass on this report. If for any reasons it is not considered necessary to have a special organization this work should be entrusted to the Deputy Director, Establishment, Railway Board, and should form part of his regular duties.

*Decision.*—The Railway Board do not propose to take any special action in this direction as they consider that this work should form part of the normal duties of the organisation provided for Establishment work. The Board expect that you and the officers subordinate to you will give due consideration to the orders issued in this connection.

Yours faithfully,

K. M. HASSAN,

*Deputy Director, Railway Board.*

#### REPORT OF THE COMMITTEE OF EXPERTS ON DEFENCE.

147. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam): Will Government state their decision on the report of the Committee of Experts on Defence, and when they propose to publish the report? If it is thought inexpedient for military reasons to publish the full report, has Government considered the advisability of publishing a summary? If not, why?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It would be impossible, for military reasons, to publish the report itself, but I hope that an announcement will be made in the course of the next month or two both on this question and on the allied questions considered by the Capitation Rates Tribunal.

#### BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill to prevent Juveniles from smoking Tobacco, which was passed by the Legislative Assembly at its meeting held on the 5th September, 1933.

#### RESOLUTION RE SALE OF SILVER.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadian): Sir, I formally moved the Resolution on the 4th September but for the convenience

of Honourable Members I will read again the Resolution which stands in my name :

“ This Council recommends to the Governor General in Council to place on the table the entire correspondence which has taken place between the Secretary of State and the Government of India regarding the sale of silver from India's silver reserve for the payment of a portion of the Debt instalment to the United States.”

My object in bringing this Resolution before the House is to have three important points cleared up by Government in connection with the silver transaction. These are as follows. Firstly, how did this transaction take place and was the Government of India consulted in the matter ? Secondly, what is the constitutional position of India on the eve of the introduction of new reforms ; that is, with reference to the propriety of consulting the people's representatives in the Legislatures or even the Standing Finance Committee ? Thirdly, what was the price paid to India and was it fair in relation to the price received from America and the market rate in England ?

I will take my second point first, that is the constitutional position. In this connection the House will remember I put a number of questions on the 29th August and the replies received from Government were very unsatisfactory. In reply to my questions as to whether the opinion of the Standing Finance Committee was taken on the transaction and whether Government would be pleased to bring this matter before the two Legislatures to ascertain the opinion of the people, the answer was in the negative. That is, neither the Standing Finance Committee nor the Legislatures were consulted in the matter, nor is the Government prepared at this stage to do so. This is the attitude taken up by Government so far as the constitutional position is concerned, and the House will see that it is most unsatisfactory. On the eve of new reforms we expect that the Government will be more and more constitutional, whereas we find that they are pursuing their old policy and are not prepared to take the representatives of the people into their confidence on a matter of such high importance. I, Sir, protest most emphatically against this reply of Government.

Now as regards my first point, as to how this transaction took place and was the Government of India consulted, we on this side of the House are doubtful whether the Government of India itself was consulted in the matter and whether the Secretary of State did not decide the matter over the head of the Government of India. I shall prove this from reports received through Reuter of the interview given by the Finance Member who happened to be in England at that time. On the 11th June, Sir George Schuster gave an interview to the *Hindustan Times* and the question put directly to him was whether Britain was going to pay its debt out of India's silver reserve. The reply he gave to the representative was most emphatic. He is reported to have said that it was all a rumour. The British Government had not so far approached the Government of India on the subject. Mark the words “ so far ”. That is, up to the 11th June the Government of India was not approached by the British Government. Not only that. He went further and made his statement still more emphatic. He said the possibility of such action had not even been discussed in the despatches. So, Sir, there was absolutely no correspondence up to the 11th June. I do not know whether this is correct or not.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

This is what has been reported in the press and I believe it is correct, because my Honourable colleague Rai Bahadur Lala Jagdish Prasad put a direct question yesterday on this matter and the Government was silent, quite silent. They did not contradict this statement. The question put to the Government and the reply was :

"Is it a fact that on the 11th of June last Sir George Schuster in an interview with the representative of the *Hindustan Times* with reference to a report emanating from Washington said that there was a possibility of Britain paying the debt instalment out of the silver reserves of the Government of India? Did he further say that it was all a rumour that the British Government had not so far approached the Government of India on the subject and that the possibility of such action had not even been discussed in their despatches"?

This was a direct question put to my friend and the Government was quite silent. They did not answer—(*An Honourable Member* : "Silence is golden!")—which means that this never took place. My Honourable friend here says that "Silence is golden". I accept his assertion, but silence means that Government has got no reply on the question and the statement made in the press is correct. So, Sir, there was no correspondence with the Government of India up to the 11th June. Now I shall go on a little later. What happened on the 13th of June, two days afterwards. It was expected in the House of Commons that Mr. Chamberlain will make a statement on the debt payment to America, but, he could not make the statement because the question was not settled with America up to the 13th of June. So there was no question of settling it with India from whom the payment was made. The matter had to be first settled with the creditor and then with this country from whose reserve fund the amount had to be paid.

On the 14th Mr. Chamberlain announced in Parliament that President Roosevelt had accepted the British offer of \$10 million as acknowledgment of debt payment to be made in silver at 50 cents per fine ounce which had been acquired from the Government of India.

He made a statement that it has been acquired from the Government of India on the 14th, when the whole question was undecided till the 13th. I would ask the Honourable Members to pause a little and see whether there was any time for consultation and settlement with the Government of India. I would reply in the most emphatic terms that there was absolutely none. Sir, it leads us to infer that the whole transaction was settled over the head of the Government of India, which was simply ordered by the great autocrat at Whitehall to deliver the required quantity of silver. This is my second point.

I shall now deal with the third and the last point in connection with this Resolution, and that is the price paid to India. This also, Sir, is a very important point. When Mr. Chamberlain made an announcement in the House of Commons he absolutely made no mention about the price that was going to be paid to India. This was a very important question, Sir. Had it been settled with the Government of India, he would certainly have taken the House of Commons into his confidence and stated at what price this silver had been acquired from the Government of India. By this we infer that the price was

not settled with this poor country. In reply to my questions on the 29th I have received information from the Government that the rate given to India was 20-7/16d. per standard ounce delivered at London and as it was shipped direct the charges of transport would be subject to a deduction. Sir, this was the price that was paid for Indian silver and as it was sent direct to America a further deduction was made according to the transport charges from India to England. Now, Sir, let me see what was the price of silver at that time in India, because by that we shall be able to judge whether a fair price was paid to India or not. At the outset before developing the point I would again lodge an emphatic protest on the question that before acquiring this silver from the Indian Government they ought to have settled the price and this is another example of high-handedness and is an unique and unheard of transaction that the seller disposes of goods without settling the price he is to get and if the correspondence is placed before us everything will be brought to light in case the position is otherwise. In regard to the price that India is to receive we have another press statement from Reuter on this question and its information must have been correct and authentic. It said :

“ The actual cost of silver transferred from the Government of India to the British Government is understood to be approximately 16 lakhs pounds which is equivalent to Rs. 2 crores and 12 lakhs ”.

Sir, one of the greatest, if not the greatest, authorities on this question, Mr. D. P. Khaitan, in an interview to the press gave the price of silver at the time in India and the difference between this price and the price paid to India. In that press interview he pointed out that the market price in India of the silver acquired by Britain was about Rs. 3 crores and 12 lakhs and that the price paid by America would come to about Rs. 3 crores and 30 lakhs. On this, Sir, my Honourable friend Rai Bahadur Lala Jagdish Prasad also put a direct question but it was not replied to which again shows that the statement made by Mr. Khaitan on that point must have been correct. The Government ought to have come forward and contradicted it if it was otherwise.

So, Sir, the price given by Mr. Khaitan shows that there is a clear difference of one crore of rupees. This one crore has been lost to poor India and advantage has been taken of it by our Imperial Government. They ought to have had some consideration for poor India and if they had acquired silver without consultation and without the settlement of a price with India, they ought to have paid directly what they had got from America. The price, Sir, got from America comes to Rs. 3 crores and 30 lakhs and the price according to the prevailing rates at that time comes to Rs. 3 crores and 12 lakhs. Still there was a difference of Rs. 8 lakhs. Even if the British Government had not thought it proper to pay the whole of the amount that it received from America they could very well have kept Rs. 8 lakhs. But why this Rs. 1 crore and 8 lakhs ? Why did they keep this big amount for themselves as they gave silver from India's reserves. This is another point on which I lay great emphasis and make a strong protest. Now, Sir, I shall submit that if the whole affair requires consideration or not, and it is for the House to decide whether this question is to be brought up and the whole position is to be cleared in the eyes of the whole country. And for this, Sir, I have moved this Resolution and if

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

the Government is pleased to put the correspondence before the House everything will be as clear as daylight. Sir, such business correspondence cannot be expected to be of a confidential nature and it cannot affect any high principles of administration nor involve any policies the divulging of which will be harmful to either Government. I therefore hope that Government will see its way to do so to clear its position in the eyes of India.

With these words, Sir, I commend my Resolution to the acceptance of the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the Resolution of my Honourable friend, Rai Bahadur Lala Mathura Prasad Mehrotra, is most reasonable and timely. I hope, Sir, there will be no dissentient voice in the House on the subject under discussion. Anybody who has the economic interest of the country at heart expects that the details of the loss and gain accruing to India by the transaction in silver should have been made public. Sir, when the Government have not in any way refuted the allegations against them about this silver deal is it not natural that suspicion should be brewing in the country about the loss of a crore of rupees to India? To my mind the Government must exonerate themselves of the charge that there was a clear case of breach of trust inasmuch as the British Government had no right to take the difference of about a crore in this shady transaction. So far as we have been able to learn, Sir, as a result of some secret conversations and correspondence between the Governments in England and India, India has been made to part with 2 crores of ounces of silver. The market rate of silver in India at the time of the said deal was about Rs. 58-8-0 annas per 100 tolas and at that rate the value of two crore ounces of silver would be Rs. 3 crores and 12 lakhs.

Sir, nobody will object to the sale of India's surplus silver but it is important to know at the same time in what form India has received payment. Payment by Britain to India in gold is unthinkable although the Hilton Young Commission recommended the sale of silver and the acquiring of gold in exchange. Apparently we believe, Sir, the payment must have been done in sterling securities, which at the present day has lost its stability in the international market and the way events are drifting we do not know whether these British sterling securities will ever be able to command the same confidence as they used to do a few years back. The whole transaction has apparently been made in order to strengthen the stability of sterling securities.

In these circumstances, this House demands that Government should make a full disclosure of all the facts and figures relating to this deal as it has cast a slur on the *bona fides* of the British Government. In conclusion I think India can legitimately claim the whole of the profit that might have accrued from this transaction.

With these few words, Sir, I support the Resolution so ably moved by my friend, the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, in speaking on this Resolution, while I am not in entire agreement with the Government of India in its silver sales I do not think that we cau

condemn the Government for having sold the silver without consulting this country, as it is too late to lay the blame on the shoulders of the Government. The Government have been selling silver for many years past, and they have sold it without the advice of the Standing Finance Committee. If we want to start the practice, this is neither the time nor the procedure for doing so, and we cannot condemn the Government for having done a thing which they have been doing without condemnation from this House, or from the other Chamber, for all these years.

The other objection, Sir, as far as this transaction is concerned, is that we had a suspicion that the Government of India was ignored and that suspicion was further strengthened by the interviews which have been exhaustively dealt with by my Honourable friend Mr. Mehrotra. Leaving aside the question of proceeding on an order from the Secretary of State to do certain things there is another point of view which ought not to be lost sight of. To all those who have interested themselves in the matter of silver, it is well known that we bought enormous quantities of silver under the Pitman Act of America at 101 cents per ounce. That purchase of silver was not made entirely because India required it for its own needs. We purchased that silver, Sir, in order to finance the purchases on behalf of the Government of England during the war years. And it was during those years that we had to find silver in order to pay in silver for the purchase of the goods which we were sending to England and other theatres of war in Mesopotamia, in Syria, in Palestine and other places. This silver which was purchased from America at 101 cents per ounce was again sold off to England and from England to America at a rate which comes to about 32 cents. England has received payment at the rate of 50 cents. We cannot hold England liable to pay us 50 cents per ounce on commercial grounds, but on moral grounds, taking into consideration the fact that all the silver was bought for the benefit of England, it was incumbent on His Majesty's Government in England to pay us this, not as price but as compensation for the losses which we have sustained in all these years. Our sales of silver have not yet totalled up to the amount of the purchase which we made under the Pitman Act. Enormous amounts of silver were purchased and even if the Government of England paid us a crore, they would not have done any great service to India, but we would have a feeling, Sir, that England is doing the honourable thing by us and that she is not just driving a hard bargain. Now our answer will be that they have taken advantage of our position and dictated a price below that which we could have claimed on grounds of equity.

Sir, I support the motion.

**THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) :** Sir, I am very glad to have this opportunity of destroying the mare's nest that has been discovered by the Honourable Mr. Mehrotra and I must congratulate the Honourable Mr. Hossain Imam for having raised the debate to one more consistent with the dignity of this House. I need only deal briefly with the points raised by the Honourable mover. They have been largely answered by the Honourable Mr. Hossain Imam himself.

His first question was that of consultation, his second was that owing to the rapidity with which the negotiations were concluded, it was not physically

[Mr. J. B. Taylor.]

possible that the Government of India could have been consulted by the Secretary of State. Sir, a specific question was asked Government both in the Lower House and here whether the Government of India were consulted. The answer we gave was "Yes" and I should have thought that that specific answer would have been sufficient. I have never heard more flimsy evidence then that adduced by the Honourable Member in the attempt to prove that that statement was incorrect. He is perfectly correct in saying that the Honourable the Finance Member gave an interview to—I think it was the *Hindustan Times*—before he sailed. I do not know the exact date—either the 10th or 11th. At that time the Finance Member was perfectly correct in saying that there were no negotiations. As anybody who reads the papers would have realised, the question at issue was not a token payment; it was whether the British Government would have to pay the Government of the United States at all. It was only at the last moment that this device of a token payment was hit upon, and in connection with that, it would be remembered that the Government of the United States had made an offer to its debtors only—not to the world in general but to its debtors only—that it would accept payment of war debts up to a maximum of \$200 million at a rate which could rise to a maximum of 50 cents per ounce. It is quite clear that the laudable object of the United States in making that offer was to make a small payment appear something larger than it really was, because their offer was confined to their debtors only, and they knew that there was no chance of being paid in full. At the last moment the British Government decided that they would accept that offer to a limited extent. The Honourable Rai Bahadur seems to have forgotten the existence of the electric cable. He is correct in saying that the Chancellor of the Exchequer made a statement in the House of Commons on the night of the 13th to the effect that no decision had been reached. But he does not know that immediately afterwards a cable was sent to the Government of India which reached us on the morning of the 14th and an answer was sent in about half an hour or so to enable the Chancellor of the Exchequer to make another statement in the House of Commons. Sir, ordinarily I would not bring these matters forward because I expect that when a Government representative rises in these benches and says the Government were consulted, he will be believed; but since there seems to be some doubt in the matter I have given the actual figures and dates.

The Honourable Rai Bahadur has also made a point that neither the Standing Finance Committee nor the Legislature was consulted. Sir, new constitution or old constitution, there is no Government in the world which could possibly consult a legislative body to reach a decision which have to be taken between 6 and 6-30 one morning. The Assembly was not in session, the Standing Finance Committee was scattered all over India and this is a function which not only this Government but every Government must reserve for its executive. We are prepared to stand up afterwards and defend our action.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAI MEHROTRA : On a point of information, Sir.

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable Member will have his right of reply later on. The Honourable Member (addressing the Honourable Mr. Taylor) will proceed.

**THE HONOURABLE MR. J. B. TAYLOR:** The Honourable Member went on to say that we were negligent or contemptuous of the rights of the Legislature in saying that we were not going to refer it to them. Sir, it is not for us to take the initiative. We are perfectly prepared to answer, as I am doing now, if any Member wishes to criticise the action we have taken. We are here to answer criticism but to expect us on our own initiative to bring forward *ex post facto* the action taken by us before them for confirmation would seem to me to be wasting unduly the time of the Legislature. As the Honourable Mr. Hossain Imam has pointed out, this is not the first occasion on which we have sold silver. We have been selling it since 1927. We are prepared to recognise that this general policy may be attacked and we are prepared to defend it. But individual transactions must be within the province of the executive.

Now, Sir, I shall come to the more important points made by the Honourable Mr. Hossain Imam. He has raised the real question which I consider is of interest to the House, namely, "Was the transaction a justifiable one from the point of view of the Government of India?" In the first place, I do not think anybody will attempt to argue that an offer which was made by the Government of the United States specifically to its debtors would give us a claim to the full price. As I have pointed out, the object of that offer was to make a small payment appear to be somewhat larger than it really was. The British Government, as everybody knows, did not owe that debt to America themselves, because they were brokers for the other countries of Europe as a result of the war and they have constantly made it clear that any remission which they get from America would be passed on to their debtors in turn. In these circumstances, for us to ask that we should have got the full price would merely have meant that they would have gone into the market elsewhere and bought it and they would have had no difficulty in getting it. The Government of Italy also made a token payment and I presume they purchased it from the market, at a price which the market was prepared to offer. Actually, the price which we obtained was a favourable one. 20-7/16*d.* was roughly 1*d.* above the market price of silver at the time and the cost of transport amounted to something less than ½*d.*, so that, roughly speaking, we made a profit of about Rs. 6 to Rs. 8 lakhs over what we would have obtained if we had gone into the market to sell. A most misleading comparison has been attempted with the price in India. As everybody knows, there is a very heavy duty in India, and if anybody in this House imagines that the Government of India could have sold 20 million ounces in India at a price even remotely approximating to the market price of silver in Bombay at the time, I am afraid that he will have to choose some other profession than silver broking. (Laughter.) Sir, even if that silver could have been sold to America it would have had to be exported after remission of the import duty, so that the only price by which the transaction can be gauged is the world market price, not the artificial duty protected price of India. As I have said, on that basis, we made a clear profit of some Rs. 6 to Rs. 8 lakhs; and the transaction was even more favourable if you look at it in relation to the prices of the present day. The price of silver is now somewhat slightly over 18*d.* This means that the transaction resulted in a profit of between Rs. 20 to Rs. 30 lakhs to the Government which has gone to strengthen the currency reserve.

The Honourable Mr. Hossain Imam has gone back still further and raised a very difficult and broad question, whether the silver purchased by the



[Mr. J. B. Taylor.]

Government of India under the Pitman Act was really for India's own requirements or was also for international or rather inter-Allied purposes during the war. That is a very broad question, Sir, but it is not one which could have been considered in the hurried negotiations leading to a payment of war debt. That was an individual transaction. We had to look upon that merely in our role as sellers of silver. If we had wasted time to consider and raise those points, even assuming we had been convinced of their validity, the whole transaction would have fallen through. But I would point out that possibly the one constructive result of the World Economic Conference has been the silver agreement, in which the Government of the United States has made what in effect is a very material concession to India by promising to take off the market an amount equivalent to that which we sell. Thereby to a certain extent they have recognized that we are in a different position from that of an ordinary seller of silver. I have tabled a motion asking for the ratification by both Houses of that agreement, so that the House will have an opportunity of discussing it and its various implications. In view of that motion I do not wish to go further into that aspect of the question now.

Finally, Sir, I was told that there is no objection to divulging documents. There is always an objection to divulging documents when the object of the questioner is to attempt to draw out differences between various Members of the Government, and in this case that was an even stronger objection. These documents relate not only to the Secretary of State and the Government of India; they include other countries as well. It would have been completely impossible for us to publish documents which would indicate the views of foreign and friendly Governments at the time of the conduct of the negotiations. Such a course of action would be completely unheard of, not only in this Government but as regards any Parliament in the world.

For these reasons, Sir, I hope either that the Honourable Member will accept my explanation as having cleared all the points and withdraw his Resolution, or that the House will reject it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I am glad the Honourable Finance Secretary has cleared many points that were raised by me and that he has accepted the correctness of the interview which the Finance Member gave in London. He also agrees that the difference in price was due to the fact that silver that was re-exported was free of duty, and so on. I would have pressed my motion but as he has stated that he has tabled a motion on the subject by which he is going to ratify—

THE HONOURABLE MR. J. B. TAYLOR : That has nothing to do with this transaction at all. The motion which I have on the agenda is one asking this House to ratify an agreement entered into by the representatives of the Government of India at the World Economic Conference regulating quotas for the future sales of silver by Government.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I stand corrected, Sir. In that motion we shall have an opportunity to determine whether the price paid to India was proper or not and also

other allied questions. I therefore see no reason to press my motion and would ask leave of the House to withdraw it.

The Resolution\* was, by leave of the Council, withdrawn.

# RESOLUTION *RE* RELEASE OF POLITICAL PRISONERS AND DETENUS.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move :

“That this Council recommends to the Governor General in Council to release all political prisoners and detenues, not guilty of committing acts of moral turpitude or violence in order to create an atmosphere of goodwill for the successful working of the Reforms.”

Sir, before I go into the merits of the question I want to clear my position. I have already cleared it in the Resolution itself. For those prisoners or detenues who have been convicted of acts of violence or moral turpitude I have no sympathy, rather I detest their action. But, Sir, there is a large number who have courted imprisonment on account of a definite policy followed by the great organisation known as the National Congress, which was one of mass civil disobedience. They courted imprisonment on mere technicalities. Now the position stands changed. Mass civil disobedience has been withdrawn which was the policy on which they acted, and therefore there is no use in keeping them behind bars. Sir, I will deal with this question a little minutely and crave the indulgence of the House to relate briefly the history of this question to enable the House to arrive at proper conclusions. I will go back to the time of the pact known as the Irwin-Gandhi pact. That pact was arrived at at the intercession of prominent leaders, I mean Mr. Jayakar and Sir Tej Bahadur Sapru, and the Government too thought it proper that a gesture should be made to see what it would lead to. As a consequence of that pact Mahatma Gandhi went to attend the second Round Table Conference as the sole representative of the Congress. But, Sir, the pact was due largely to the personal influence of the then Viceroy and I may say that many Members of the Government perhaps were not in favour of it. They felt a sense of mortification. On the other hand, Mr. Gandhi used his enormous influence to bring about the pact and there was a disagreement about it among the younger generation of his following. Consequently they looked upon it rather as a victory over the Government. But both parties were wrong. Those on the Government side who felt mortified by it were wrong, and those on the Congress side who looked upon it as a victory were also wrong. Both parties looked at it from a wrong angle of vision. The result was there was no sincerity. Both were prepared for a fresh war. Sir, when Mahatma Gandhi returned from England he decided to see the situation created in his absence. A large number of Congress leaders assembled at Bombay and after consulting them and seeing the situation created in his absence he wanted to seek an interview with the Viceroy. That interview was refused. I must say, Sir, that that was a Himalayan blunder. Had that interview been granted, who knows —

\*Vide page 175, ante.

**THE HONOURABLE MR. BIJAY KUMAR BASU :** On a point of order, Sir. Can the Honourable Member criticise the action taken by the Governor General in this House ?

**THE HONOURABLE THE PRESIDENT :** He criticised the action of the Government of India. I did not catch his exact words.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I meant the Government of India, Sir.

**THE HONOURABLE THE PRESIDENT :** If you meant the Government of India, it is all right. I hope you have ?

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I meant the Government of India, Sir. As I said, Sir, if the interview had been granted, history would perhaps have been different. The result was that Congress declared mass civil disobedience again, which was the greatest folly they committed, and the natural consequence was that wholesale arrests of all the leaders and followers took place in thousands ; the figure went up to 80,000. That was the situation at that time. But now the situation is quite changed. The leader of the civil disobedience movement, Mahatma Gandhi, has himself realised his mistake. He tried to divert his followers by inducing them to work for social reform, that is, removal of untouchability.

**THE HONOURABLE THE PRESIDENT :** Order, order. I would ask the Honourable Member to confine himself within the four corners of the Resolution. We are not discussing the civil disobedience movement generally.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I am adducing arguments to prove how the situation has changed and how prisoners are to be released now ; by way of argument I am explaining the change in the situation.

**THE HONOURABLE THE PRESIDENT :** The Honourable Member has said enough already.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** So, Sir, he has himself practically accepted defeat and diverted the energies of his followers. Then, Sir, he withdrew the mass civil disobedience movement --

**THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON :** Not entirely.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** --mass civil disobedience movement, as a result of which a large number of persons were imprisoned. When I move my Resolution I do not ask the Government to release those who have courted arrest after his recent declaration of individual civil disobedience. I do not agree with him even on that point (Hear, hear) and those who have been arrested on the individual disobedience may not be released, but those who were arrested on the mass civil disobedience, which was withdrawn, might be released ; there is absolutely no necessity of keeping them behind prison walls. Since individual disobedience has been declared, how many persons have courted imprisonment ? This in

itself shows that it is not liked by the Congress people themselves. Hardly one or two per cent. of them would have courted imprisonment. (*An Honourable Member.* "How do you know?") Sir, I have got from a paper the number of civil disobedience prisoners and I will place it before this House to show how many persons who courted imprisonment on the mass civil disobedience movement are in prison. Their number is very much reduced and I have got figures for June and July, 1933 to prove it. I have not got the figures for August, though my Honourable colleague Mr. Hossain Imam put a question today and Government have laid a statement on the table, the statements in this House are not laid on the table of every Member and therefore I am not in a position to make use of that statement. The figures I have collected for June and July are as follows :

Province.	Month.	Men.	Women.
Madras .. .. .	June	446	34
	July	354	30
Bombay .. .. .	June	1,935	170
	July	1,629	152
Bengal .. .. .	June	790	40
	July	602	25
United Provinces.. ..	June	866	9
	July	344	<i>Nil</i>
Punjab .. .. .	June	113	3
	July	103	3
Bihar and Orissa .. ..	June	688	28
	July	494	17
Central Provinces .. ..	June	28	<i>Nil</i>
	July	7	<i>Nil</i>
Assam .. .. .	June	103	11
	July	77	8
North-West Frontier Province .. ..	June	1,558	<i>Nil</i>
	July	765	<i>Nil</i>
Delhi .. .. .	June	25	1
	July	24	1
Coorg .. .. .	June	55	1
	July	46	<i>Nil</i>
Ajmer-Merwara .. ..	June	11	<i>Nil</i>
	July	2	<i>Nil</i>

These are the figures of different provinces for June and July, 1933. This clearly shows that the number is reducing gradually and people during these months were not courting arrest as a mass movement. The total number of persons behind prison walls by the end of June was 6,618 men and 297 women and by the end of July, 4,437 men and 533 women. Sir, I am moving this Resolution for these prisoners subject to the exclusion of those who have committed any sort of violence. As I have said, I have absolutely no sympathy for them.

Sir, on the 30th of last month His Excellency the Viceroy delivered an address to both the Houses in which he has himself stated what is the present situation of the civil disobedience movement in the country, and, with your

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

permission, Sir, I shall read one or two sentences from his speech, which in itself shows that it has practically declined ; if it exists, it exists in name only. He said :

“ It is true that civil disobedience still maintains a precarious existence through the personal influence of its author, but the popular judgment has really discarded it, and the pathway to happier conditions is broadening out before us.....The struggle.....will be no longer between those who would break and those who would uphold the law, or between those who would maintain and those who would destroy the British connection, but it will be a struggle between different policies for meeting the practical problems that face us”.

His Excellency himself has described the present situation and I entirely agree with His Excellency. Sir, the Reform Bill is shortly to be placed before Parliament. It is required to create an atmosphere of goodwill for its successful working and in this connection also His Excellency has made an appeal to us, the Members of the two Houses. In making this appeal, His Excellency said :

“ If we are to ensure rapid progress, which we all desire in the way of constitutional reforms, we must create an atmosphere in which that progress can develop. Little can be done by the Government alone. Equal responsibility must lie upon the Honourable Members themselves and other leaders of political thought in India to whom we must look to use their influence by their speeches, by public meetings and propaganda to see that the electorates of the future are made fully aware of the great advance we are striving to achieve through the White Paper proposals ”.

Sir, in response to the appeal of His Excellency I place the facts before the Government and ask them to give us a chance of facing the facts and going before the electorate. 12 Noon. On the one hand, we accept that civil disobedience as a mass movement is dead, is broken. The defeat is accepted. On the other hand, those persons who courted civil disobedience are not set free. With what face should we go before the electorate and tell them about the reforms ? We all know that there is a large section in India who do not believe in the Congress policy, who do not go with them ; but they have sympathies on account of the sufferings that they have endured and for that reason, Sir, if the gesture comes from the Government in response to the withdrawal of the mass movement to set free these prisoners we shall be able to go and meet the electorate and put before them what the reforms are giving and shall say that the fault was with those who started this civil disobedience movement and who acted on that movement but not with the Government and the moment Government saw that it had been withdrawn, they have set at liberty all those who went to jail on that principle.

Sir, there is one thing more that I have heard often from the Government, that they require assurances from the leader of this movement as well as his followers for the stoppage of the mass civil disobedience and for release of political prisoners. Sir, with the greatest humility I submit that this is not the right policy. This is a policy of vindictiveness and with your permission I shall quote two or three sentences from the speech delivered by my Honourable friend Mr. Joshi, a nominated Member of the Lower House, when a similar Resolution was moved in the Delhi session. I am quoting what he said,

because I think that no better words can replace them. Sir, with regard to this policy of taking an assurance at this stage amounting to a policy of vindictiveness, he said :

“ The Government of India, after all, depend upon the sympathy of the public in their administration, and if the people once feel that the Congressmen are kept in jail longer, not because it is necessary to keep them there, but because Government want to stand on their prestige and so they do not want to release them, Government will lose the sympathy of the public ”.

In another place he said :

“ The Congress movement today is checked, and checked to a very great extent, but, Mr. Chairman, let me assure this House that the sympathy of the people for the Congress movement is not dead. The longer you keep the Congressmen in jail, the greater is the sympathy which the people will feel for them. I therefore feel that if the Congressmen are kept in jail too long, there is not only the danger of people sympathising with them to a greater extent, but there is also the danger of that sympathy being more active. Therefore, it seems to me that the right policy for the Government is to release the prisoners ”.

With regard to assurances, he said :

“ That the Government should ask for assurances is, I feel, a wrong thing. If assurances are necessary from any party, it is the Government that should give an assurance that no person's freedom will be taken away unless there are grave reasons for their doing so. Freedom is the natural right of every citizen and no man need be asked to give an assurance as to why he should be kept free ”.

Sir, in conclusion I would submit before the House a few more observations, before I sit down, to sum up the whole argument. The civil disobedience movement has practically been abandoned. The matter rests on technicalities alone. I consider that it is necessary for the success of constitutional reforms that the hand of repression must now be stayed and that the hand of conciliation should be extended to those whose cooperation is essential for restoring peaceful conditions in the country. All the world over in the world's history the inevitable reaction of the failure of direct action in the political struggle has been the growth of a tendency to resort to parliamentary methods and that tendency is discernible in Congress politics today. Now, the question is, are Government going to encourage or promote the growth of that tendency or is it going to hamper or retard it ? That is the true implication of the Resolution before us today in other words, and I hope the Government will realise it and release the civil disobedience prisoners without any further delay who courted imprisonment on the mass movement.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, so far as this Resolution is concerned, I find that I am in the position of an inquisitive enquirer.

THE HONOURABLE MR. HOSSAIN IMAM : *Amicus curiæ* ?

THE HONOURABLE MR. BIJAY KUMAR BASU : An enquirer. I want some information. To begin with, although English is not my mother tongue, I claim to have studied the language, and studied the language through grammar——

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Here or in England ?

THE HONOURABLE THE PRESIDENT : Order, order.

**THE HONOURABLE MR. BIJAY KUMAR BASU**—and studied the language through grammar. I find that the Resolution, as it is worded runs:

“all political prisoners and detenus not committing acts of moral turpitude, etc.”.

Detenus, I am afraid, are never tried. They are not even charged. How can we know whether they have committed any acts of moral turpitude or immoral turpitude or violence? Detenus also are not convicted. I think, Sir, if the learned mover will kindly change the wording a little it might perhaps make his meaning clearer. If I may suggest to him this form:

“This Council recommends to the Governor General in Council to release all political prisoners not guilty of committing acts of moral turpitude or of violence and detenus, in order to create an atmosphere of goodwill”

and so forth. The second thing that I do not really understand is, what are really acts of moral turpitude?

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA**: May I know if the Honourable Member is moving this amendment?

**THE HONOURABLE THE PRESIDENT**: He is not moving any amendment. He has only made a suggestion to you to drop the word “detenus.” It is for you afterwards, when you come to reply, to decide whether you are prepared to drop this word.

**THE HONOURABLE MR. BIJAY KUMAR BASU**: What I meant was to place the word “detenus” after the words “or of violence” if he wanted it. Anyway, that is his lookout. I do not move any amendment at all. As I was mentioning, Sir, I have been a student of law and a lawyer for more than 20 years now. I have not yet found the words “acts of moral turpitude” defined in any section of any Criminal Code. Sir, one act may be an offence which under the Indian Penal Code would be classed as an offence, and I take it that all offences, whatever they are, involve acts of moral turpitude. For example, if a starving man going about the streets finds a confectioner’s window loaded with eatables, breaks into the shop and takes a loaf of bread, he is put before the magistrate and is punished for theft. Now, if there was a code of morality different from the legal Code most likely somebody would say, “Well, it is not an offence; it is not stealing, because this man did not have his food for two or three days and he was justified in breaking into the shop and taking the bread”. Whether that would be considered according to the present law as an act involving moral turpitude or not I am not in a position to understand.

The other thing that strikes me is this. My friend says that if political prisoners of that particular description are set at liberty today, an atmosphere of goodwill will at once appear. Where is the guarantee for that? As a matter of fact there are people who hold different opinions. For example, there are people who think that if these people who are now behind prison bars, called for convenience political prisoners, are allowed to come out of those bars, the reforms as contemplated may be entirely wrecked, because they have been agitating and agitating for so long when they were out of prison, and if they come out of prison they will agitate again and perhaps more. If my

friend had made his motion in the way that all political prisoners convicted of mass civil disobedience may be set at liberty, I do not think there would have been any objection so far as I am concerned. But the Resolution as worded includes not only those prisoners who have been convicted of civil disobedience but also other prisoners who have been convicted of other offences against the State.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I made it clear in my speech.

THE HONOURABLE MR. BIJAY KUMAR BASU : But that is not in the Resolution. I do not think the speech of the Honourable Member will be a part of his Resolution. But if he makes that clear, I do not think there will be much objection.

Then, Sir, to talk about the withdrawal of the civil disobedience movement, I am not in touch with the movement or its author, but what I find from the newspapers is, that the civil disobedience movement is in a sort of suspended animation. Whether the civil disobedience movement would be revived or not it is perhaps only its author who can say, because——

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Who is the author, please ?

THE HONOURABLE MR. BIJAY KUMAR BASU——there has never been any statement, any declaration either by Mr. Gandhi or any body on his behalf that he has withdrawn the civil disobedience movement. I do not see the difference sought to be made out by my Honourable friend between the mass civil disobedience movement and individual civil disobedience movement because, if all individuals practice civil disobedience, then it will be mass civil disobedience. Therefore the difference as between individual civil disobedience and mass civil disobedience is the difference between Tweedledum and Tweedledee.

Then, Sir, we have been treated to very interesting figures regarding the civil disobedience prisoners but I must confess I am dense and I have not been able to follow how he made out that the release of these people will at once create an atmosphere of goodwill. Goodwill, Sir, as I think you will agree, is like clapping. It requires two palms of two hands. My friend has said a lot about the Government not doing this and the Government not doing that, but he has not directed the very well-chosen words that he used against the Government against the authors of the civil disobedience movement or the Congress which at present are supposed to be disbanded.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I did so.

THE HONOURABLE MR. BIJAY KUMAR BASU : I paid considerable attention to my learned friend's speech and I must say that I have not been able to discern it. Further, I think when he quoted from the speech of His Excellency the Governor General when he addressed the two Houses the other day, I am afraid he had misread that portion of the speech. So far as I remember, and the impression I carried was that His Excellency desired that Members of the Legislature and other public men should go forth in pursuance



[Mr. Bijay Kumar Basu.]

of a propaganda to make the reforms at least well-known to their constituents and create some sort of atmosphere in which the reforms can be understood when they come. It was not so much to create an atmosphere of goodwill, the way in which my friend has interpreted it.

Sir, I do not see any great good would come if this Resolution is carried, because I doubt that the release of political prisoners will at once create an atmosphere of goodwill that is necessary for the successful working of the reforms.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, the Honourable mover has not said a word as to whether he had any authority to say that if political prisoners were released they will not attempt to revive the civil disobedience movement or spread lawlessness. I cannot say whether he has noticed any change of mind or ideas or whether it is only a pious hope. Sir, I presume that it is possible for a political prisoner not convicted of any crime of violence to secure his release by giving an undertaking that he will not take part in the civil disobedience movement, and if a political prisoner is not prepared to give that undertaking it shows that if set free he would still pursue the same course. Then where is the justification for asking the Government to release all the prisoners unconditionally. Sir, the country had a sad experience of what followed the launching of this baneful movement. There was not only picketing of shops but there were raids, there were riots, there were political dacoities and murders. The Government took adequate action and the movement though now not quite killed is suppressed and workers for this movement cannot now be had in large numbers on hire or otherwise. If, at this juncture Government were to release all the prisoners unconditionally, then if this movement were revived and I think there is every danger of its being revived, the Government would be accused—and I would say, justly accused—of supplying workers for this movement. The civil disobedience movement having been proved beyond doubt to be against the interests of the country I think, Sir, instead of asking the Government to release these prisoners, efforts should be made to persuade the organisers and the leaders of this movement to withdraw it totally.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : That is also being done.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : It has not been withdrawn totally. Your own figures show that. Sir, in my opinion if the Government accept the Resolution or act upon it, then, instead of creating a favourable situation for the successful working of the new Constitution, it will be leaving to their successors a legacy of lawlessness in the country.

Sir, I oppose this Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, if I rise to support the Resolution before the House I do so on two grounds which have not yet been touched upon by others, namely, on the grounds of equity and economy. I do not wish to discuss the political aspect

of it. I was really surprised, Sir, that my Honourable friend—the nominated Member from Calcutta—who has taken upon himself to learn English and who has 20 years' experience at the Bar does not know the meaning of "moral turpitude" and does not find it defined in English law. I am not a lawyer, so I cannot quote to him chapter and verse, or the section, but I think the words themselves are clear enough and understandable by everybody. I seem to have a hazy idea that in the Legislative Rules some mention of "moral turpitude" is also made—about people who have not been convicted of offences involving moral turpitude not being barred from standing for election, while those who have been so convicted are debarred.

THE HONOURABLE MR. BIJAY KUMAR BASU : Sir, I only complained that it was not defined.

THE HONOURABLE MR. HOSSAIN IMAM : The General Clauses Act does not define everything. Many things are interpreted by the High Courts and other Courts. Sir, as I have said, I wish to support this Resolution on the ground of equity. It will be fresh in the memory of most Members of this House that there was a case in the Allahabad High Court in which a member of the English Bar was convicted by a Benares Court to a term of imprisonment. A motion was made in the Allahabad High Court, not by the accused, but by some other people on his behalf, and a famous decision was given in regard to people other than an accused coming to the High Court on behalf of an accused, and in addition they ruled that in that particular case the accused had been convicted on wrong premises. He was supposed to be Treasurer of the Congress Committee and the Congress Committee had not been declared to be an unlawful association. Then there was that case in the Bombay High Court in which a man had been convicted and sentenced to pay a fine of Rs. 10,000. The case was brought to the notice of the High Court, and the High Court set aside the order and released him. In all these civil disobedience cases the accused did not adduce evidence and did not participate in the proceedings, and it is one of the tenets of English law that cases should not be adjudicated on the evidence of one party alone. It is on this ground that I appeal to Government not to stand on ceremony but to look at the matter from the point of view of equity, as most of these prisoners have been convicted because no defence was offered, because these misguided and, you might say, rather desperate people, did not want to have recourse to all the majesty of the English law. But however that might be, they have been convicted and sent to jail. Government ought to consider that the few cases that went up to the High Court were all decided in favour of accused. But now the movement is on the wane and we have the example of former leaders of the non-cooperation movement who have been released and have not gone back to jail. Whatever they might have to say for themselves in words, it is their actions which you have to look to, and their action is the surest possible sign that the liberation of political prisoners at this juncture will not have any bad reactions. Government cannot keep them perpetually in jail, if they liberate them now they will be placing them under an obligation. You may not reap the full harvest at the moment, but it will be a seed sown, which will bear a fruit in the future and a better fruit, not the bitter fruit that you are going to have now.

Sir, the next point that I wish to urge is that at the present moment all the Provincial Governments are in monetary difficulties and if all these prisoners

[Mr. Hoosain Imam.]

were released on the system—the counterpart of which in India I do not know—of ticket of leave of absence, by which, when people are released they have to put in an appearance at the police station, and if they do not do so, they are at once sent back to jail—that will relieve the Provincial Governments from some of their burden, and at the same time it will give a sort of indication to the people that the Government really want bygones to be bygones and to have a settlement on new terms.

With these few words, Sir, I support the Resolution.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I quite agree with my Honourable friend Mr. Basu that the Resolution has been worded in such a way as to lump together the detenus and political prisoners. Detenus are men who have been the inspirers, the originators and aiders and abettors, of the civil disobedience movement. If they were to be released what guarantee is there that they would not resume their old activities as before ? So far as Bombay is concerned picketing has already commenced and there is not a single day when we do not get reports of arrests. It cannot be called individual, when four or five persons or more go together for picketing. It would be a misnomer to call it such. Secondly, there was a ceremony of what is called flag salutation the other day and a number of persons were arrested and punished. It has been said that if these prisoners are released they would not revert to their old activities. Such unfortunately is not the case, and in Bombay at least we have known of instances where men and women who have been released have again reverted to their old practices. There is no guarantee that if a large number of the prisoners are released they would not desist from their old ways. A good deal has been made of sympathy on their behalf. I would say, Sir, that that sympathy is mere lip sympathy. There are men who have a sneaking sympathy with the civil disobedience movement. They have provided the sinews of war to carry it on and ostensibly exhibit a mock sympathy with the poor and unfortunate persons whom they have instigated and deluded to court imprisonment. They have been very careful of their skins ? Under these circumstances it would be a great error of judgment for Government to release them without any promise that they would change their ways and would not resume the movement once again.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, many of the arguments that I might have brought forward against this Resolution have already been brought forward by those who have opposed it. I myself found it somewhat difficult to understand what was the exact meaning of the Resolution, but I am glad that the Honourable Rai Bahadur has made it quite clear that he was not referring to terrorists and communists or persons convicted of offences of that kind. A limitation is imposed and the Resolution is confined to persons convicted of offences connected with the civil disobedience movement. That is quite a clear issue. I myself have considerable difficulty in understanding what moral turpitude is, and if I was asked to give a pronouncement or definition of it or asked to apply it to a particular case, probably some of the gentlemen on the opposite side might differ from my interpretation.

The wording of the Resolution is however a mere side issue and I now pass on to what is the main point of the Resolution. The Honourable mover's point is that in view of the change in the situation Government should take steps now to release at once all those convicted of offences connected with the mass civil disobedience movement as it existed some four or five months ago. That I think interprets his argument fairly, because I understood him to make it clear that persons convicted of offences connected with the individual civil disobedience movement in the course of the last month would not be included in the amnesty. The first point then to consider is what is the present position. I will first reiterate what is the policy of Government, and requote the statement made many months ago by the Secretary of State that :

" we must have convincing reasons to believe that the release of prisoners will not be followed by a revival of civil disobedience ".

That is the policy and the question we have to ask ourselves is have we yet got those convincing reasons ? A month or two ago it appeared that there was a very good chance of civil disobedience being abandoned. Those hopes were destined to fail, for after the Poona Conference what was the statement which was made by the President of the Congress ? It is necessary to be quite clear as to what that statement was, and I will read out the first three items of the statement which was issued on the 22nd of July. The first one is, I think, the most important—I presume that the most important part of a statement is put first. That was that :

" the campaign of civil disobedience should not be unconditionally withdrawn in the existing circumstances " ;

that is to say, civil disobedience is still the accepted policy of the Congress

The second was :

" Mass civil disobedience including no-tax and no-rent campaign should be discontinued for the time being, the right of individuals who may be ready for every suffering and who may be prepared to act on their own responsibilities to continue civil disobedience being reserved ".

The third was that :

" all those who are able and willing to offer individual civil disobedience on their own responsibilities without expectation of any help from Congress organisations are expected to do so ".

I invite attention to the words at the beginning " all those who are able and willing ". That is an appeal to a large number. That was the statement that was made on the 22nd of July. What was the result of that statement ? I think the first feeling that went over the country was a feeling of bewilderment and uncertainty. People did not know where they stood. Some of the Congress supporters were disappointed that steps were not taken to revive the old form of the movement in a more intensive manner ; some were disappointed that the movement was not abandoned and that a more constructive policy was not taken up. Apart from this feeling of disappointment, the general feeling was one of bewilderment. The supporters of Congress did not know where they stood ; they did not know what to do in the circumstances. Similarly with Government. Government saw that Congress still maintained civil disobedience in the forefront of their policy. They could not foresee what would be the result of the so-called change of policy, from the mass movement to the individual.

[Mr. M. G. Hallett:]

It might have happened that a small body of individual civil resisters would have rapidly multiplied into many thousands and then we should have been faced with the situation as it was in May, 1930 and in January, 1932. Government having regard to their responsibility could not allow that situation to arise and they could not contemplate any relaxation of their efforts. The answer to the question whether there were, after the issue of the statement at the end of July, convincing reasons to believe that the release of prisoners would not be followed by a revival of the movement must be in the negative. That this was the position on the first of August of this year. Six weeks have passed since then and we have had in various parts of the country attempts to revive the movement. I do not wish to appear to exaggerate the situation but in practically every province some attempt has been made to revive that particular form of civil disobedience which had proved most successful in the past and in that area in which it had proved successful. In the Central Provinces, for example, an attempt was made to go back to forest satyagraha. In other provinces those who have tried to revive this movement have gone back to that form of civil disobedience which caused the greatest embarrassment and trouble to the ordinary inhabitants of the country, i.e., picketing. As I have said, I do not wish to exaggerate the position but from the statement which I have given in reply to a question today there have been a number of convictions during the last month spread over all the provinces of India. That shows that the movement is not entirely dead. It is still alive. What guarantee then have we that if we release the small number of prisoners still remaining in jail they will not take up and develop and intensify this policy? Call it individual civil disobedience or call it mass civil disobedience, still it remains civil disobedience,—a movement directed against Government.

Then, Sir, the Government have been charged with being vindictive, with keeping people in jail unnecessarily. I think I can show that that charge is unfounded. We have recognised for several months, even before the suspension of civil disobedience before the Poona Conference, that the movement was becoming less intense, and was commanding much less public support and as long ago as February last, before the attempt to hold the Calcutta Conference which proved such a fiasco, the Government of India had asked Local Governments to consider whether they could not effect a reduction in the number of prisoners detained in their jails, whether they could not safely release a considerable number? That was a matter which had to be considered in the light of local conditions. The Government of India could not say that there ought to be a definite percentage released from such a province. It was a matter for the Local Government to decide in the light of the conditions prevailing in the province whether they could release any of the political prisoners or not. The Honourable Member who moved this Resolution has quoted the figures showing the total number of prisoners in jail at the end of July and at the end of June. I regret that I have not the figures available for August yet, but he has not quoted or made any attempt to show the reductions which have been made as a result largely of this policy which has been adopted by the Government of India and the Local Governments of releasing unconditionally those whom they felt could safely be

released. The figures for the whole of India are these : In January the total number of prisoners was 13,788. It fell at the end of July by rather over 9,000 to 4,683. I can quote also the figures for individual provinces which are even more striking. Take, for instance, the United Provinces, from which the Honourable Member comes. There were there at the end of January, 2,848 prisoners. At the end of July the number remaining in jail was an infinitesimal percentage of the total population of the United Provinces—there were only 344 prisoners, and I think that even that number was reduced within the first week or so of August. Unless there has been an increase as a result of the individual civil disobedience movement in August, I should say that the number in the United Provinces is probably now not more than 200. Take again the North-West Frontier Province. There was a very big drop of practically half the total number of prisoners between the end of June and the end of July. The number went down from 1,558 to 756. In Bihar and Orissa the number of prisoners was high at the end of February owing to the attempt to celebrate Independence Day and Gandhi Day during that month. At the end of February there were 2,434 prisoners in jail ; at the end of July there were practically 2,000 less,—only just over 500. These figures are sufficient to show what Government has been doing during the last seven or eight months. The fact that these reductions have been made meets the argument which the Honourable Mr. Hossain Imam put forward—the argument of economy. The numbers have been reduced to a very small figure and the cost of these prisoners is not high. On the other hand, if they were released and if they were able to revive the movement in any particular locality, the total cost to provincial exchequers would be very much greater. We have thus only some 4,000 prisoners in the whole of India. If anybody troubles to work out the percentage of the total population he will find it is infinitesimal. Who then are the prisoners who are left ? Some of them are those who under the Honourable mover's Resolution would in any case be exempt from release, that is to say, they have been guilty of violence. Others are those who have been guilty while in jail of offences against jail discipline and who have been convicted by the courts for those offences. Others are those who have frequently been convicted of the offence of civil disobedience. Can we expect that when the policy is still one of civil disobedience that these people will go back and not take any further part in the movement ? The answer to that question must again be " No ". Some of the prisoners remaining are merely in jail because they refused to give a security. They could walk out tomorrow if they were prepared to give the requisite security. Further, as one Honourable Member, I think, mentioned, it is open to anyone of these 4,000 prisoners to walk out tomorrow if he will give an undertaking that he will not take any further part in civil disobedience, either in its activities or in incitement thereto.

**THE HONOURABLE MR. HOSSAIN IMAM :** An undertaking that he will not participate in the civil disobedience movement for how long ?

**THE HONOURABLE MR. M. G. HALLETT :** That would have to be considered in the light of local conditions and of the prisoner's previous record.

**I have tried to explain that, though Government felt that nothing should be done by them to encourage or to facilitate any revival of this movement**

[Mr. M. G. Hallett.]

which has proved such a bane to India in the last two years, yet they are not vindictive against individual prisoners. Mr. Hossain Imam suggested that some prisoners have been unjustly convicted. He quoted two cases out of many thousands of cases which must have been tried during the continuance of this movement. I am not prepared to accept the view that these convictions were unjust or inequitable merely because the accused have not taken the opportunity of defending themselves and I cannot accept that as an argument for the release of the remaining prisoners.

THE HONOURABLE MR. HOSSAIN IMAM: How many cases went to the High Court, Sir?

THE HONOURABLE MR. M. G. HALLETT: Perhaps none went to the High Court, but there are always friends of the accused who are quite ready to move the High Court in such a matter. That then is the position. We have a very small number in jail. The declared policy of Congress is the continuance of civil disobedience in one form or the other. Can Members of this Council say that there are convincing reasons for further releases, that the release of these remaining prisoners will not be followed by a revival of the movement? I think the answer must be "No". Government must adhere to their policy. The next move must come, if it comes at all, from the opposite side.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, the Resolution, as expected, has been opposed by three nominated Members over which I have no complaint. This was expected when the Resolution was balloted and I have got the highest respect for them for doing so. Everybody is free to give his own views. But I am glad that none of the elected Members have got up to oppose the Resolution and this is the greatest satisfaction that I have got in connection with this Resolution. Sir, a lot has been said on the word "detenus" and when it was said I offered to accept the amendment, to delete the word or to substitute it after "violence" as suggested by my Honourable friend Mr. Basu.

THE HONOURABLE THE PRESIDENT: There has been no amendment before the House.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I said so, but none has moved any amendment and as the mover of the Resolution I am not in a position to make any amendment of that sort. If you, Sir, will permit me, I am ready to make an amendment so that the Resolution may be acceptable to those gentlemen who have said so.

THE HONOURABLE MR. M. G. HALLETT: I oppose an amendment at this stage.

THE HONOURABLE THE PRESIDENT: The mover of the original Resolution cannot move an amendment to his original motion. If he wants particular words to be deleted, he can ask the Chair to do so.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I request you to permit me to delete the words "and detenus" from the Resolution.

**THE HONOURABLE THE PRESIDENT :** Has the Government Member any objection ?

**THE HONOURABLE MR. M. G. HALLETT :** No, I do not mind, Sir.

**THE HONOURABLE THE PRESIDENT :** The Chair will permit you to delete the words "and detenus".

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I beg to move :

"That the words 'and detenus' may be deleted."

**THE HONOURABLE THE PRESIDENT :** There is no necessity for you to make any motion now. You can continue your speech. The Chair will take note of your remarks.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Thank you, Sir. In this respect I have fulfilled the desire expressed by my Honourable friend Mr. Basu and I now expect that he will support the Resolution.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) :** He did not say that.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I *expect*, Sir, that he will support me.

**THE HONOURABLE MR. BIJAY KUMAR BASU :** In this world we expect many things, but few things turn up!

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Then let us wait and see. He has also told us that he could not understand the meaning of the words "moral turpitude". I was surprised indeed that a lawyer of great eminence, such as he is, is not able to follow these words, although as has been pointed out by my Honourable friend, the word exists everywhere, and it is also in the electoral rules of all the Legislatures where it is provided that a candidate who is guilty of committing any acts of moral turpitude or violence is disqualified for election.

**THE HONOURABLE MR. BIJAY KUMAR BASU :** The Home Secretary even would not explain it.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** My friend Mr. Hallett has also said that he cannot define the words. I was rather surprised to hear that the Government are not able to define a word which they have incorporated in so many Acts.

Sir, my quoting a few sentences from His Excellency's speech for creating an atmosphere of goodwill has also been questioned by my Honourable friend. I said that His Excellency has appealed to us as Members of the Legislature to go to the electorate and explain to them what the reforms are. What I meant to say was that if the Government will be pleased to set free these 4,000 and odd prisoners, of course those who have not been guilty of acts of moral



[Rai Bahadur Lala Mathura Prasad Mehrotra.]

turpitude or violence and who have gone to jail on mass civil disobedience only—I made that very clear—we would be in a better position to face facts and to tell them that the Government when it saw that that policy had been abandoned, have magnanimously come forward and released the prisoners. This was to strengthen our position in facing the electorate that I made an appeal to the Members of this House and for nothing else.

Sir, one Honourable Member said, “What is the guarantee that those who are released will not commit the same acts?” Of course, there is no guarantee but we must face facts. The facts are that at the present moment a large number of leaders of the movement are out of prison, and they have not practised civil disobedience and courted imprisonment as they used to do when the Congress organisation was not disbanded, and when the policy was not abandoned. This very fact shows that they are not going to practise it again and that they have abandoned that policy. Beyond that there cannot be any guarantee and nobody can do so.

Sir, some figures have been quoted by my Honourable friend Mr. Hallett and they fully support my argument that the number of prisoners is dwindling, and the majority of those who have been released—I should go to the extent of saying that 95 per cent. of them—have not courted imprisonment. Sir, I am now in a position to give the figures for the first fortnight of August as supplied by the Government in answer to the question of my Honourable friend and these figures show that since it has been declared that mass civil disobedience has been abandoned the number of those who are practising individual civil disobedience is very insignificant.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : The number had started to decrease even before that.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Because people thought that it was then futile to practise mass civil disobedience. People had begun to realise the futility of the movement and therefore the number was dwindling. Sir, the figures show :

Madras .. .. .	32
Bombay .. .. .	37
Bengal .. .. .	Not available.
United Provinces .. .. .	21
Punjab .. .. .	60
Bihar and Orissa .. .. .	3
Central Provinces .. .. .	7
Assam .. .. .	1
North-West Frontier Province .. .. .	3
Delhi .. .. .	6
Coorg .. .. .	Nil.
Ajmer-Merwara .. .. .	Nil.

Total .. 298

That is the total for the whole of India for the first fortnight of August when mass civil disobedience was given up. As contrasted with  
1 P.M. this, if Honourable Members will see the figures for the first quarter of August, 1931 or 1932, they will find that thousands and thousands courted imprisonment and went to jail.

So this very fact shows that the policy is not being accepted by even the followers of the Congress movement. Besides my Honourable friend Mr. Hallett read a few resolutions that were adopted at the Poona Conference. Those resolutions also support my case. In the last resolution that was read it has been made clear that if anybody wants to practise individual civil disobedience he will do so at his own responsibility. The Congress will not support him. What more is wanted? The President of the Congress says that everybody is free to do anything he likes but the Congress is not going to support such individual actions. So that makes my case all the stronger. As for the assurance—my Honourable friend Mr. Hallett says that if those who are in prison will give an assurance they will be set free. But if they do so there will be no grace left. If the Government releases them of its own accord that would be a graceful act. And what is that assurance? If an assurance is given and then it is broken, you will send him back to jail. That is the position now. I want it to be done with a good grace as it is quite a different thing to do it on certain conditions. If you do it with a good grace we shall be able to explain at public meetings that Government has not been vindictive; Government has done what was its duty; when it thought that people were out to fight against it, it put them into jail; but as soon as it realized the futility of the movement it set the offenders at liberty of its own grace. That is an argument which will appeal to the electors. I hope I have made clear that this Resolution does not concern individual civil disobedience and does not concern those who have committed acts of violence, but only with a limited number of persons, and its effect will be enormous. I now commend it to the acceptance of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Are you not going to withdraw it?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: No, Sir.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Considering that the Honourable mover of this Resolution had in no uncertain terms condemned the civil disobedience movement of every description, whether mass or individual—I think I am right in interpreting his position that he has condemned the civil disobedience movement in principle and in action, whether as a mass movement or individual—I should have thought that having condemned the movement in such clear and certain terms he would have been perfectly satisfied with the figures that were quoted to him by the Honourable Mr. Hallett. What has been the position? As soon as Government felt that the movement had practically failed, it began to consult Local Governments suggesting the advisability of taking stock of the situation to see whether those poor victims of others, the leaders, could not be released without the peace of the country in any way suffering. The response of the Local Governments was all that any fair-minded person could have expected.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

Something in the neighbourhood of 2,000 men were released before their time was up. Then came the time when those who supported the movement themselves realised that the movement had practically failed, and instead of having the courage of their convictions and dropping or abandoning the movement they had recourse to the subtlety of suspending the movement temporarily for six weeks. Well, Government was not inclined to be very critical as to the words used by the supporters of the movement whether they abandoned it or suspended it temporarily for six weeks, and it went on with its policy of premature releases week after week and month after month. Government did not only make a gesture. It acted in a way which was not one of foolish generosity but of statesmanlike generosity. I should have thought that in response to these facts, during the months of June and July the Honourable mover of this Resolution would have found some supporters amongst Congress men and would by the end of July have produced a declaration that we should hear no more about civil disobedience. It is much to be regretted that to the sorrow of this unfortunate country those who are leading the movement did not think fit to do so. I should have thought that the month of August would have been employed by the Honourable mover of this Resolution in going about interviewing the leaders of the Congress and the supporters of the civil disobedience movement and bringing to their notice the folly of going on with this movement to the detriment of peaceful citizens of India and the chances of establishing peaceful conditions in the country. What I want to ask him is what has he done in the country before coming to the floor of this House and saying to Government "Please stop"? Surely there are two parties to this affair. Have we not done our duty by our country in seeing that this wretched movement is really once for all buried? If you believe that it is a movement which ought to be encouraged for the good of the country, I can understand it. But you say that you believe it is a bad movement, that it is the worst possible movement for your country, and then you say "Be gentle". And what was the argument? "Please release them so that I may go to the electorate and get votes". Surely, Sir

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : To explain the reforms.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member intends to initiate the people as to what the reforms are going to be without having any intention of standing for election under the reforms. I think the Honourable Member is making one or two assumptions. One is—

(The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra attempted to interrupt again.)

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable the Leader of the House is in charge of the floor of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member is assuming that his electorate does not consist of

either landlords or tradesmen, but consists of a third category who are neither landlords nor tradesmen. If he goes to the landlords am I to understand, Sir, that they will take him to task because the people who were picketing in order to prevent the payment of rent are not now doing so? And if he goes to the tradesmen voters, is he in any danger of being told, "We are no longer seeing our friends the picketers, we are now again trying to do some business: please see that those who have gone to jail come back". (Laughter.) I do not understand, Sir, what the position is. Do you say, "Release these people so that there may be peace in the country and we may go back to the electorate"? Who are your electors? Does your electorate really want you to see that picketing goes on, that prevention of payment of revenue is strengthened? I am sure, Sir, that there is some confusion of thought about this matter and the confusion can never be got rid of till we do what is most essential in India, a little clear-thinking. See that we understand the position, do what we say and say what we mean. I therefore feel very strongly indeed, Sir, that on the floor of this House in this matter a position should be taken up which is clear as crystal, which is definite and not vague, and which does credit to the Members of this House, and also those who take interest in politics outside the House. I will very briefly state, Sir, what I venture to think is in the best interests of the country in the matter of the release of prisoners. First and foremost a strong appeal to those who are standing out and beating the dead horse of the civil disobedience movement, not to beat it any more. That would be an act of prevention of cruelty to animals. I would tell them that as soon as those people desist from this cruelty to this poor wretched horse, they will find that Government will act differently than at present in the matter of release of prisoners, as they did during the months of May, June and July. If you want to achieve your objective, proceed in the right and proper manner to achieve it. What pays in this world? A proper and well thought out plan in pursuance of the object and not if I may be permitted to style it what we call in the vernacular *safarash*. Please release these men; they are poor fellows. That would not do. What is wanted is not an appeal to the strong and mighty arm of the Home Member, but an appeal to the misguided leaders of civil disobedience to desist from pursuing the movement if they have any love for their country. Do you really think that it is in the best interests of the country that these people should be released while the movement is still being pursued? I very strongly feel that this is not in the best interests of the country. What is needed is that there should arise independent men who are not afraid of calling a spade a spade and if they feel that civil disobedience is a wrong movement they should not be frightened of saying so because of any opinion or authority to the contrary. I trust, Sir, that this Resolution which to my mind goes to the very root of the political situation in the country will be rejected by this House if not unanimously at least almost unanimously. It is really a test of the *bona fides* of the Honourable Members in regard to the present day political problem. Are we doing the right thing in condemning the civil disobedience or not? Are we going to let people imagine that there is some sort of sympathy lurking in our minds for the movement? Are we paying only lip loyalty to the cause of righteousness when we call it a bad and wicked movement? The test is do you mean what you say or are you trying to be friends with both sides?

**THE HONOURABLE THE PRESIDENT :** Resolution moved :

“ This Council recommends to the Governor General in Council to release all political prisoners not guilty of committing acts of moral turpitude or violence in order to create an atmosphere of goodwill for the successful working of the Reforms.”

The question is :

“ That this Resolution be adopted.”

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** Do you want a division ?

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** No. (Laughter.)

The motion was negatived.

**THE HONOURABLE THE PRESIDENT :** There is only one more Resolution on the List of Business for today and I would like to consult Honourable Members if they would like to take up this Resolution today or to postpone it to the next non-official day, that is the 11th instant, on which day I think we have got two or three Resolutions. I would like to know your wishes.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** I would like non-official Members to express their wishes.

**THE HONOURABLE MR. HOSSAIN IMAM :** We would like to take up this Resolution on the 11th.

**THE HONOURABLE THE PRESIDENT :** Does any other Honourable Member wish to express an opinion on this proposal ?

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** Government would like to meet the wishes of non-official Members.

**THE HONOURABLE THE PRESIDENT :** I would ask the Honourable Mr. Hossain Imam to read his Resolution so that he may not lose priority, and then the Resolution will be debated on the first non-official day.

### RESOLUTION *RE* INDIAN CIVIL SERVICE.

**THE HONOURABLE MR. HOSSAIN IMAM :** My Resolution runs :

“ This Council recommends to the Governor General in Council to move the Secretary of State in Council to reduce the strength of the provincial cadre of the Indian Civil Service from 202.79 per cent. to 160 per cent. of the total number of superior posts for direct recruitment in the provinces, and to remove the discrimination in the overseas pay of the Indians recruited in India and in London and to increase the posts to be ultimately listed to 25 per cent. of the superior posts.”

**THE HONOURABLE THE PRESIDENT :** This Resolution will be debated on the next non-official day.

The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Thursday, the 7th September, 1933.

## COUNCIL OF STATE.

*Thursday, 7th September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 6th September, 1933.

### LAND ACQUISITION (AMENDMENT) BILL.

THE HONOURABLE MR. J. A. SHILLIDY (Industries and Labour Secretary): Sir, I move:

“That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes as passed by the Legislative Assembly, be taken into consideration.”

Under the Land Acquisition Act, Companies which are registered can at the present moment acquire land compulsorily if the Local Government is satisfied that it is needed for the construction of some work and that that work is likely to prove useful to the public. The question of allowing companies or business firms to acquire land for housing their labour is not a new proposal. That a provision to this effect should be made in the law was recommended by the Industrial Commission of 1916-1918. It was again recommended by the Coal Committee of 1920. About that time Local Governments were consulted and they were unanimously in favour of that proposal. For various reasons the change was not made in the law but later on when the Royal Commission on Labour investigated this question among many others they recommended that the housing of labour should be declared to be a work likely to prove useful to the public and they made a further recommendation that this privilege of the compulsory acquisition of land should not be confined to registered companies but should be extended to industrial concerns which were owned by individuals or associations of individuals. The reason why the Royal Commission made this recommendation can be given in a sentence from their report:

“In a number of instances brought to our notice land eminently suitable for the development of housing schemes had been held at ransom by the owners, fantastic values being placed upon it as a result of the construction of factories and other industrial concerns in the neighbourhood”.

It seems to me hardly necessary to argue on this point at any length because I feel sure that the object of this Bill will commend itself to the Council.

[Mr. J. A. Shillidy.]

I think everyone will agree that any industrial concern which is anxious to house its labour properly should not have undue difficulties put in its way, particularly by persons demanding extortionate prices. These two recommendations of the Royal Commission have been given effect to in the new section 38A which will be found in clause 2 of the Bill. When the Bill went before the Select Committee in the Legislative Assembly they did however introduce two further points. They insisted that the industrial concern should be a concern which ordinarily employed not less than one hundred labourers and the reason can be given in their own words :

*" Clause 2.— Considerable apprehension has been expressed that the extension of the definition of company to include concerns owned by individuals might lead to the Act being used in favour of mushroom concerns. In order to provide a safeguard we have limited the application of the new section 38A to industrial concerns employing at least one hundred workers."*

There was one further addition made in the Select Committee and that was that acquisition of land should be permitted not only for the housing of labour but also for the provision of amenities directly connected thereto. And here again I will quote from the report of the Select Committee :

*" We have also made it clear that land may be acquired for the purpose of providing sanitation, sewage and other services at any time "*

I think it is obvious that if you are going to put up houses for workmen you should not be then debarred from making proper provision for the sanitation of those houses.

Sir, this Bill is very short and I think I have said all that there is to be said about it. The object of it is one which I am sure will commend itself to the Council. It is one that is very necessary in the interests of public health.

Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadian): Sir, the Bill sponsored by my Honourable friend Mr. Shillidy, with its objects and reasons so very ably delineated, has come to us for final approval. I have nothing further to add by way of explanation than to commend it to the acceptance of this Honourable House.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadian): On a point of information, Sir, I should like to know if there is any provision in the main Act itself that if the land acquired for a certain purpose is not utilised, what would happen then? I think some of the opinions that were expressed on the Bill expressly desired that some provision should be made for the return of the land to the original holders if it was not utilised for the purpose within a certain period. I should like the Honourable Member to inform the House.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, I have one observation to make and that is in regard to the sanitary aspect of the proposal in the Bill for providing dwellings for workmen. We know that workmen's dwellings have been constructed on various sites in towns and cities and if they are placed in close

proximity to better class residential quarters, there is great risk on account of the insanitary habits of the workmen and of concealment of cases of infectious diseases among them. However, from the commonsense point of view, whenever any project is evolved for this purpose, there are certain considerations, namely, the amenities of the private class houses in the neighbourhood that have to be taken into account. I will quote one concrete instance in the city of Bombay itself. We have there a building called the Sanitary Institute. The foundation stone was laid and the opening ceremony was performed by a high personage whose name it is not privileged to mention in this House. When we were inspecting the building, the late Sir Ratan Tata drew our attention to some unsightly *chawls* behind the building which were supposed to have been built upon sanitary principles and utilised upon such principles. The way in which the people used to live there was everything but sanitary and was a blot upon the whole scene.

Another instance. There is a large hospital situated in a particular quarter of the city. The Improvement Trust built some buildings for the working classes. These buildings have proved so great a nuisance that the patients are harassed and the quiet and rest are disturbed. Wherever therefore workmen's buildings have to be put up, surrounding circumstances have to be taken into consideration. In Bombay we have now a large colony springing up in the North Island between Dadar and Matunga. Lakhs and lakhs of rupees have been invested there, and if any one were allowed to build either a factory or workmen's quarters, all the investment would depreciate. That is the only remark I have to make in connection with this Bill.

THE HONOURABLE MR. J. A. SHILLIDY: Sir, with regard to the Honourable Mr. Hossain Imam's question, I would point out that under this Bill, there is a provision in section 41 of the Act that the Local Government shall require the company to enter into an agreement with the Secretary of State for India providing to the satisfaction of the Local Government for certain matters, and by the Bill this has to be done where

"The purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the company or for the provision of amenities directly connected therewith"

and for clause 4 the Bill substitutes the following clause, namely :

"Where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided".

The company, therefore, cannot acquire land without fulfilling these conditions. It has to enter into a definite agreement binding itself to all these conditions and the Local Government has to be satisfied that the company is genuinely intending to erect the buildings for its workmen. I think, Sir, that meets the point of the Honourable Member.

As regards the question of affecting surrounding buildings, I would refer the Honourable Member who raised this point to the fact that when land is to be acquired for a public purpose, a notification is published to this effect in the Gazette and notice is sent to the people who may, and have it in their power to, ask Government not to go on with the acquisition for reasons which



[Mr. J. A. Shillidy.]

they advance. That, I think, meets the Honourable Member's objection. It does give complete power to a Local Government to satisfy itself that damage is not being done unnecessarily to surrounding property.

THE HONOURABLE MR. HOSSAIN IMAM: My point is this. I really wanted to know who will have the *locus standi* to move the Government to take action. Is it the Local Government who will go to the court to set aside the acquisition or is it the private owner who will have to go to the courts to set it aside?

THE HONOURABLE MR. J. A. SHILLIDY: If the conditions are not fulfilled, it is open to anybody, Sir, to go to the Local Government to point out that the company have not carried out the terms of their agreement.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. A. SHILLIDY: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

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### INDIAN WIRELESS TELEGRAPH BILL.

THE HONOURABLE MR. J. A. SHILLIDY (Industries and Labour Secretary): Sir, I move:

"That the Bill to regulate the possession of Wireless Telegraphy apparatus, as passed by the Legislative Assembly, be taken into consideration."

I think I will have no difficulty in persuading the Council to accept this Bill. The Council in the past has shown its interest in the development of broadcasting and they will realise that if broadcasting is to develop in this country, all those who get an advantage from it should contribute towards its maintenance. Broadcasting must, in the end, depend for its revenues on the licence fees. A few sessions ago, in talking on this subject, I pointed out that there was a great deal of piracy in this country and I asked that Honourable Members should use their influence to persuade those who had not taken out their licences to do so, and there was a very fair response. That makes me feel confident that this Bill, the object of which is to provide against this piracy, will commend itself fully to this Council. Piracy is made possible because the Indian Telegraph Act only allows control of the establishment, maintenance and working of telegraphs. Therefore, a licence for mere possession is not necessary, because a man presumably can always say that he got his wireless receiver not for the purpose of listening in but merely as a toy to look at. I think it will appeal to commonsense that if a man does get any wireless set,

he gets it for some purpose ; he does not get it merely to look at but gets it in order to listen-in. Now, all that this Bill does is to make a licence necessary for the possession of a wireless set. It also, by another provision, penalises the possession of a wireless set without a licence. There is only one other remark that I feel necessary to add. The Bill, as introduced, made the penalty for the second and subsequent occasions Rs. 500. The Select Committee decided to be somewhat more merciful and have reduced the fine for the second and subsequent offences to Rs. 250. I feel that mercy is a trait of this Council and that this amendment will commend itself to the Council. The other amendments are merely consequential in order to enable the provisions of the Bill to be carried out.

Sir, there is nothing more to say on the Bill except that I feel, as I have said before, that the object is one with which this Council is entirely in sympathy.

**THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY** (Bombay : Nominated Non-Official) : Sir, I should like to ask the Honourable Member whether it would not be possible to impose a condition upon every dealer that he should register the name of the purchaser and his address as also obtain information from him as to whether the apparatus was to be retained in a particular town or taken elsewhere and to communicate the information to the Department concerned. If this restriction were imposed, I believe all fraudulent dealings are likely to cease and Government will add considerably to its resources.

**THE HONOURABLE MR. J. A. SHILLIDY** : Sir, if the Honourable Member will turn to clause 10 of the Bill he will find that the Governor General in Council is being given power to make rules for the purpose of carrying into effect the provisions of this Act. In particular and without prejudice to the generality of the foregoing power, such rules may provide for the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus. Under the rules all dealers will have to keep a register of the persons to whom they sell wireless sets. This provision will enable the officers concerned to follow up and see that licences are properly and duly taken out by any persons who have become possessed of sets. I think, Sir, that meets the Honourable Member's point.

**THE HONOURABLE THE PRESIDENT** : The question is :

“ That the Bill to regulate the possession of Wireless Telegraphy apparatus, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 11 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. J. A. SHILLIDY** : Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

## INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary): Sir, I move :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as passed by the Legislative Assembly, be taken into consideration.”

Sir, this large and somewhat formidable looking measure can be considered from two aspects. In the first place Government have taken the opportunity of introducing one or two amendments to protect themselves against evasion in minor matters. But secondly, and more important, they have also taken the opportunity, which I think many Members of this House will consider overdue, to go through the Bill with a view to improving the conditions in favour of the assesses, making their remedies clearer and clarifying the methods by which they can obtain redress. I shall deal with the question of the measures taken to prevent evasion first. In the statement of objects and reasons you will find that there are four. The numbers of clauses have of course been recast in the passage of the Bill through the Lower House. The first provision which is contained in clause 7 (d) is to give Government greater power to assess super-tax by collection of information and deduction at the source. The Select Committee in the Lower House has restricted this solely to assesses residing out of India and I think that with this modification the House will be content with the provision as it stands. The second provision is in clause 9, whereby bankers and others are required to give information every year as regards the amount of interest paid by them on which income-tax is not deducted at the source, that is to say, interest on fixed deposits and so on. In the Select Committee it was decided in the Lower House that the minimum limit should be fixed at Rs. 1,000, so as to prevent harassment to people with small incomes and also to minimise the work of bankers in providing returns. In their comment the Select Committee said :

“ We have fixed the minimum at Rs. 1,000, but we feel that the figure chosen is experimental and that experience and working of the Act may possibly show that it is too high ”.

I think that this House will agree that Rs. 1,000 is at any rate a reasonable initial figure to fix. The third measure to prevent evasion is in clause 11, and is to enable income-tax officers to assess people who either leave or intend to leave India during the course of the year. In the original Bill a similar provision was also extended to the case of people who died, but that was cut out in Select Committee, so that now the provision is restricted to those who are either leaving or about to leave India. There are many people, Europeans and others, in business who leave India during the course of the year in whose case the provision ought to enable us to make more prompt assessment, not only in the interests of Government but in the interests of the assesses themselves. The last amendment which Government proposed to make was to remove the seal of secrecy, whereby income-tax officials are prevented from disclosing in court the fact that offences have been compounded, and so on. This clause was removed by the Select Committee and Government accepted the omission, so that that particular side of the question has been dropped.

I now turn, Sir, to the amendments designed to confer either relief or greater certainty to assesses, in other words, to improve the position of the

assessee *vis-a-vis* the Income-tax Department. The great bulk of the amendments are of this nature and many of them necessarily are of a minor and complicated character dealing with the question of registration of companies and so on. There are two, however, of somewhat larger importance to which I would invite the attention of this House. In the first place, provision is now made for a relief by deduction of the charges made by bankers for commission and so on on interest collected on securities. This may not be a very large amount to the large investor but it is a decided facility from the point of view of the small investor and we hope for that reason that it will be acceptable. There is another ; professional expenses are now for the first time to be allowed to be deducted from income for the purpose of relief up to a limited extent. In the past it was merely business expenses, now professional expenses have been included, and this has been extended by the Select Committee to cover the case of books purchased by an assessee for the pursuit of his profession. This will help such people as medical men and lawyers. Those amounts in actual cash may not be very large, but still proportionately it is a definite relief. There are numerous other minor amendments, but these are the more important. The measure was introduced by Government last September and was carefully considered by the Select Committee in another place. Government accepted the recommendations of that Select Committee, made one or two other technical additions of their own, and as a result I think we may fairly claim that the measure was accepted as non-contentious in the Lower House. I hope that it will receive similar treatment here.

Sir, I move.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadian) : Sir, I admit that there is a good deal of leakage by the evasion of submitting complete and fullest information by the assesseees as regards their incomes and Government have got every right to compel the assesseees by every means possible to submit a correct return of their incomes. But at the same time, Sir, I can not agree to the principle underlying the Bill by which the banks and money lenders and private bankers are being compelled to deduct the income-tax on interest paid on deposits by their clients. Sir, it cuts into the fundamental root on which the whole fabric of the system of banking rests all over the world. The basic recognised principle of banking is the keeping of secrecy of their clients and once this principle is ignored, money will be withdrawn from the banks and this will mean serious handicap to the growth of banking habits which is so much desired by the State and the people. Such flight of capital will handicap industries which were gradually developing in the country. Sir, the object I think could well have been achieved by other devices which would have prevented the assesseees from submitting false returns. It is not for me to suggest the ways and means by which it can be done, but it is for the Government to find out devices to meet the popular wishes. In this connection, Sir, I make bold to say that all the Indian millowners' associations and chambers of commerce and all the Indian mercantile associations have vehemently protested against this innovation of forcing the banks to divulge the secrets of their clients. In the circumstances, Sir, I am unable to agree to the fundamental principle of the Bill and I would even now appeal to the Government to reconsider their views for meeting with the wishes of the whole of the Indian mercantile community.

**THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan) : Sir, I am thankful to the Government for the small mercy they have shown in bringing forward this Bill, but our complaint as far as the Income-tax Act is concerned, is not about petty difficulties. Government themselves have brought forward three measures to amend one Act. One amending Act was passed last session ; the other has come before us and the third one is before the Legislative Assembly. Amendment of this Act piecemeal is not a good proposition. We expected, Sir, that all these amendments which are contemplated would be embodied in a consolidated Bill, so that all income-tax questions might be looked into. After saying this, I wish to draw the attention of my Honourable friend Mr. Taylor to the great difficulties to which we are put to in the manner in which these Bills are placed before us. The notes on clauses are those relating to the original Bill and when the Bill emerges from the Select Committee these notes on clauses become an old story and it is really very difficult to reconcile what the note says about a particular clause with the actual clause itself. It would be better if the notes on clauses are revised or prepared after the Bill is amended by the Committee, so as to ease our work.

I have got nothing to say about the specific measures brought forward in this Bill except that I find it a little hard to reconcile section 24B (3) with the present condition of the country. When a person dies and he has not been assessed even, then the assessment is made as if it were a burden on the person and it is not divided among the number of heirs of the deceased. It is too late for us in this Council to suggest that this improvement should be made, because we are powerless, but I would like to draw the attention of the Government to clause (2) of section 24B as referred to in clause 11 of the present Bill. If they bring forward any other amendment I would like them to make some provision whereby to keep clauses (1) and (2) of section 24B and delete clause (3), because it is very hard for heirs to amass the amount of money which would be required to pay income-tax. People are put to great difficulties when the earning member dies and he is assessed to income-tax and they are not able to find the quota required.

With these few observations, Sir, I resume my seat.

**THE HONOURABLE MR. J. B. TAYLOR** : Sir, in the first place I must confess that I am in considerable sympathy with the point raised by the Honourable Mr. Hossain Imam regarding the notes on clauses. It was a difficulty with which I had to contend myself and I quite agree, after spending several hours in checking and re-checking, that I felt that any unfortunate Member of this Council who was going to venture on a detailed criticism at short notice would be somewhat handicapped. If I remember aright the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra raised a similar question regarding the Workmen's Compensation Bill, and though of course we have great difficulties to contend with and we do not wish to delay legislation unnecessarily, I shall see whether it is not possible for Government at least in the case of complicated measures of this sort which have been materially recast in Select Committee to put more information before the Council of State before they come to consider the Bill in its final form.

Then he raised, Sir, another difficult question, that of codifying all the income-tax legislation. That, Sir, we all admit is desirable and we regret that we have had to bring forward so many income-tax amendment Bills during the present session, but for that we are not so much to blame as the financial stringency which compelled us to cast our net wider and bring in a large number of smaller assesseees, with necessary consequential amendments in the procedure for assessing them. A Bill for regularising the procedure for such assessment is on the anvil and as the Honourable Mr. Hossain Imam points out will be the third in the course of the present year. Sir, we regret this, but I claim that in this Bill we have done the best we can to see that the extension of the scope of income-tax does not leave behind the improvement in the machinery for assessment, so that we are doing the most we can to give the assessee a fair deal. Later on we hope that we may be able to undertake some more comprehensive measures, but at present I am afraid that is impossible owing to the pressure of other business, and, as I said, in the meantime we are doing our best to concentrate on the actual practical grievances and remedy them as far as possible.

Finally, Sir, the Honourable Raja Raghunandan Prasad Singh raised the very general question of whether it was right that bankers and others should be asked or compelled to furnish returns of income which was not subject to deduction at the source. Sir, this is a step which has been taken by Government after careful consideration and it was equally carefully considered by the Select Committee in the Lower House after they had heard the representations made by bankers and other business bodies in the country, and as I pointed out in my initial speech, the Select Committee did take a material step towards alleviating any practical inconvenience of that nature both on the assessee and on the bankers who had to submit returns by limiting provisionally the minimum amount to Rs. 1,000. Sir, at present rates of interest I do not think that anybody who has sufficient means to bring the income which he derives from fixed deposits alone over Rs. 1,000 a year is in need of having his banking habits encouraged, and on the other hand the relief to the Income-tax Department and therefore to the tax-payer as a whole is believed to be material. At any rate this was a question which has been carefully considered and on which I regret that we cannot at this stage change our attitude.

Sir, with these few words, I move that the Bill be taken into consideration.

**THE HONOURABLE THE PRESIDENT :** The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 15 were added to the Bill.

Clauses 16 to 20 were added to the Bill.

Clauses 21 to 28 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I move :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as passed by the Legislative Assembly, be passed.”

The motion was adopted.

### INDIAN RAILWAYS (AMENDMENT) BILL.

THE HONOURABLE MR. M. W. BRAYSHAY (Chief Commissioner of Railways) : Sir, I beg to move :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.”

The object of this Bill is explained in the statement of objects and reasons which Honourable Members have before them. Very briefly, it is to remove a restriction which under the Act as it stands prevents certain railways from operating road or air services. The railways that would be affected by this measure are the small light railways. The State Railways are not affected and the guaranteed Company Railways which are governed by Act of Parliament are prevented by that Act from operating such services. These small railways have asked that they be relieved of this restriction and be placed on an equal footing with anyone else. The terms of this Bill have been framed by a Select Committee of the Legislative Assembly and the Bill has been passed by the Assembly. In framing these terms particular care has been taken to ensure that these railways should secure no privileged position or anything in the nature of a monopoly. Sub-section (4) is intended to place the railway company operating such a service on level terms with any company, firm or individual operating a like service. It is intended to give the company no advantage nor to impose on it any disadvantage as compared with other private enterprise. In particular the intention is that such a company should not enjoy any exemption from taxation or from the licensing regulations. It will be observed that provision is made in sub-section (2) that the Local Government shall be consulted before any railway is allowed to operate such a road service, so that all interests concerned may be consulted and such conditions may be laid down by Government as will secure fair play in the best interests of the public. The Road-Rail Conference held in April of this year which comprised representatives of the Central Government, the Local Governments, railway and road interests, passed a series of resolutions recognising the necessity of coordination in road and rail transport facilities and of suitable machinery for securing such coordination in the interests of the railways, the road-users and the public. Among these resolutions was one recommending that the statutory provisions which at present limit the operation of motor services by certain railways should be repealed. The Bill now before this Council is in direct accord with that recommendation. Moreover, it will be noticed that sub-section (4) safeguards the powers of the Local Government in respect to the regulation of the use of roads, a provision again directed to assist the coordination recognised as necessary by the Road-Rail Conference.

Sir, I think that Honourable Members need have no hesitation in accepting this measure which is recommended by the Associated Chambers of Commerce,

the Kirkness-Mitchell Report, supported by the Road-Rail Conference, and was drafted by the Select Committee and passed by the Legislative Assembly.

Sir, I move.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal : Non-Muhammadan) : I must congratulate the Government on bringing forward this Bill. It will place the railways which are not guaranteed under Statutes 42 and 43 Vict. Ch. 41, i.e., railway companies which are floated in India on the same footing as those railways which are more favourably placed in the matter of running motor buses and aeroplanes ancillary to the railway service. With the advent of motor buses which run on competitive rates the railway earnings from traffic have been considerably reduced. It is a fact that railway earnings from short distance traffic form the major portion of their income and it is only on account of this that it is possible for the railways to allow favourable rates for the conveyance of goods and agricultural produce for long distances. Now, if the cream of the traffic is taken away by the buses it would not be possible for the railways to give this facility. And further the income of the railways will depreciate very much and some of the railways—I mean the small railways—will have to close down. After all, railways are national assets and a fall in the income from the railways will moreover affect the central revenue to a great extent, not to speak of the workers who will be thrown out of employment. It is therefore necessary that the railways be allowed to run such subsidiary services which might help them to retrieve some portion of the loss. I therefore wholeheartedly support the Bill.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I must take this opportunity of congratulating the Government and especially the Honourable Sir Joseph Bhore, the Member in charge of the Railways, for removing all the obnoxious features which were present in the original Bill. Sir, after the assurances given by the Honourable Member for Railways in the other House that Government will not allow the State Railways to run road motors in competition with private buses, I think there cannot be two opinions that the Bill, as passed by the other House, is acceptable to the public. The criticisms levelled against the Bill that it will kill the indigenous bus services to my mind does not hold good as the feeder railways which are being empowered to run such road motor services dare not go into rate cutting as it will mean more loss to such companies. Sir, these companies desire to have the right of running motor buses to recoup their losses that they are incurring on running their railways. Lastly, Sir, it will be a great boon to the travelling public as they would get better buses, better running and more punctuality. They will further be saved from the haggling with the bus owners for settling their fares. No one can doubt that the buses that will be run by the railway companies will give better and more efficient service to the public. Sir, to my mind the time will not be far distant when the public will demand the extension of this system to the State Railways wherever there is a road motor service competing with such railways.

With these few words, Sir, I support the Bill.



THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces (Central : Non-Muhammadan) : Sir, I regret that I cannot join my Honourable friends in the congratulations that they have offered on this Bill. I for one feel that this Bill acts as a double-edged sword. It can cut both ways. It all depends upon the way in which clause 2 of the Bill is used. By clause 2 of the Bill, the whole scheme will be submitted for consultation with Local Governments when the companies apply to the Government of India for this concession. Sir, my Honourable friend the mover of the Bill has made it clear that this Bill will not affect State Railways. It will affect only small private company-owned railways. So that, so far as the income of the Government is concerned, it will not be affected. On the one hand, it will help in increasing the income of private railway companies ; on the other hand, it is sure to kill private bus services that have been established during the last 20 or 25 years. I therefore want to sound a note of warning to the Government and request Government when they give permission to these companies to consider several points in the interests both of these private bus owners and the travelling public. Sir, the moment these railway buses are permitted to be run, there is sure to be a cut-throat competition between private buses and railway buses for a short time just to kill the former. During that short period, of course, the travelling public will take advantage of the reduction in rates. But what will be the ultimate result ? After killing the private transport services, the railway may stop its own service and revert to the present system of railway traffic. This happened in England in 1928. There was a great agitation by the companies and an Act was passed by Parliament in 1928 by which these companies were permitted to run railway buses. In spite of the fact that the bus service there is more efficient, more vocal—they can put their point of view before Parliament in a better way—in spite of all that, the result was that the service was practically stopped, and after that the railway companies too practically stopped their service and there was great inconvenience to the travelling public. As a result in 1931, a Royal Commission on Transport was appointed. That Royal Commission in its report said :

“ Railways got on the road in 1928. They entered into rate-cutting wars with companies so as to force the public to return to the railway by first killing competition and then closing down the motor service ”.

This was stated by the Royal Commission on Transport in 1931. The matter was again taken up by Parliament in the same year and an Act was enacted in 1931 called the English Road Traffic Act, 1931. By that Act they appointed Traffic Commissioners to control the service and see that the public were not deprived of their amenities. That is what happened there. This leads us to think that the same may happen here. I have therefore thrown out this suggestion to the Government that they should keep an eye upon this question, particularly when they give permission to these private companies for starting railway buses.

Sir, I am glad that one of the most important provisions of the Bill was deleted by the Select Committee—in regard to giving monopolies of these roads. That provision has been deleted by the Select Committee. Sir, the report of

Messrs. Mitchell-Kirkness has said something which leads us to think that ultimately this may lead to monopoly again. They have clearly stated in their report that if railway companies run buses on equal terms with private companies, they are sure to sustain loss, because there are so many things which the companies will not be able to regulate as these private owners are doing. Therefore the report says that in competition it is likely that the companies will be put to loss. On account of this assertion, we on this side of the House are afraid that ultimately it may lead to a monopoly, and I, therefore, submit that Government should keep this point in view, and should never give monopoly to these companies. Sir, as far back as 1912, a committee appointed by the Government of India, called the Acworth Committee, suggested in this connection that in order to meet this point, a Ministry of Transport should be established. I am glad that a Board of Communications has been established in many provinces and that they will act as suggested in that report and deal with these questions. On the one hand, there is the question of the loss to these private companies; on the other hand, there is the question of the loss to private bus owners, who, I am sure, have put a lot of money into the business. The approximate figure is about Rs. 22½ crores excluding buildings, garages, service stations, petrol stations, and parts and accessories as well as workshops. If that service is totally killed, unemployment will be increased. Thousands and lakhs of people are employed in these services and this will add to the unemployment in the country. Therefore, Sir, I have no objection to this Bill, rather I support the Bill, with these warnings and observations that when Government is going to give permission they will keep all these points in view.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal :  
Muhammadian): Sir, before I make any observation

12 Noon.

in support of the Bill I want to know from the Honourable Mr. Brayshaw—he said in his speech that No. 1 was supported by the Kirkness and Mitchell Committee and No. 2 by the Select Committee—may I know whether there was any note of dissent in the Select Committee of the Lower House?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadian): Sir, at the outset, I admit that the Select Committee to which the Bill was referred by the other House have removed a good deal of the objectionable features which were in the original Bill and for that I congratulate the Honourable the Member for Railways who was so accommodating as to meet the wishes of the public. Yet, Sir, I can not reconcile myself to the Bill even in its present form. The main objection of the public, both official and non-official, was due to the apprehension that lest a monopoly might not result if the railways are allowed to compete with road buses. In this connection I quote the Mitchell-Kirkness report, page 34, where it states as follows:

“Generally official and non-official opinion appears to be opposed to railways operating road transport chiefly lest a monopoly should result which would lead to the public being badly served”.

Against this the Select Committee claims that they have taken away the right of monopoly of bus services claimed by the railways in the original Bill and they have allowed in the Bill in its present form the railways to run buses along with private buses in competition. They think, Sir, that they have been able

[Mr. Jāgadish Chandra Banerjee.]

to disarm the aforesaid criticism. But they forgot the means by which in an unfair competition between a stronger party and a weaker party the stronger party always succeeds in killing the weaker. If I am to illustrate this, by an example, I would like to bring to the notice of the House the report of the Royal Commission on Transport in England in the year 1931. That report under similar circumstances stated as follows :

“ Railways got on to the road in 1928. They entered into rate cutting wars with companies so as to force the public to return to the railway by first killing competition and then closing down the motor services ”.

This is exactly what will happen in India too. If the well-organised English bus owners could not stand the competition, how can we expect the ill-organised and mostly individualistic Indian bus services to stand the competition of the well-organised Indian Railways. Sir, I say even the Houses of Parliament in England had to come to the rescue and after allowing such competition for a time of the public and the bus services in England by the passing of the English Road Traffic Act, 1931, by which Traffic Commissioners were appointed to see that the public were not deprived of the amenities to which they were accustomed. That being the experience in England, Sir, I think the question can very pertinently be asked why should we not catch time by the forelock and have another Bill like the Traffic Commissioners Bill simultaneously by which the evil effects of rate cutting between road-rail buses should be neutralised.

With these few remarks, Sir, I oppose the Bill.

THE HONOURABLE MR. M. W. BRAYSHAY : Sir, I will take the point which the Honourable Mr. Suhrawardy mentioned first as it is a simple point. The only note to the report of the Select Committee was one by Mr. Maswood Ahmed and which read :

“ In my opinion the proposed rates should form part of the scheme and those rates should not be changed without previous sanction of the Governor General ”.

That does not I think amount to an objection to any of the provisions of the Bill.

The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra has criticised the measure in that he apprehends that it will result in a cut-throat competition and a driving of the bus owner off the road, and he has urged that before giving permission for a railway to run such a service the interests of the bus owners should be considered. In support of this the Honourable Member has mentioned what has happened in England, but I think that he is not quite right. The Railways in England were permitted by the Act of 1928 to operate road services and the gradual development of the authority they got thereby was that they established in some cases road services of their own, but in many cases they coordinated with existing road services. The Act of 1931 which provided for the Traffic Commissioners had mainly the object of keeping down transport facilities to what were necessary in the public interest and what the roads could actually bear, because it had been found that the road traffic was getting so heavy that the roads could not carry it. My general reply to this criticism is to point out that no railway will be permitted to run a road service

until the Local Government have had an opportunity to consult every interest concerned, and the running of such service will be subject to such conditions as may be laid down by Government. It has been generally agreed at the Road-Rail Conference that coordination and control of road services is essential. Those recommendations are now under consideration by the Government of India with the idea of establishing a practical means of giving effect to them. But in the meantime the permission and facility that is given to railways by this present measure is subject to these conditions, that is to say, that the Local Government shall have the opportunity to consult every interest concerned, and in view of what was decided at the Road-Rail Conference there seems not the slightest doubt that every interest will get the fullest consideration.

The point made by the Honourable Mr. Banerjee is that the permission that will be granted will result or may result in a monopoly, that is to say, that the railway having superior financial resources will cut their rates, drive the buses off the road and will then raise their rates and be in the position of having a monopoly. I would point out that in the first place the railways concerned are all small railways. They are all financially not in a good position, mainly because of this competition and also partly because of the present depression.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Are they all Company-managed Railways. Sir?

THE HONOURABLE MR. M. W. BRAYSHAY: They are all Company-managed Railways; they are small railways and in many of them local boards and local authorities have financial interests. The interest of Government is not very great. It exists generally only in so far as that in certain cases it has given guarantees. But I would point out that it would hardly be possible even if these railways had a strong financial backing to drive competitors off the road in the manner suggested. The transfer of services of this nature from one road to another is a very small matter. If they have reduced their rates and driven their competitors off the road, they would have to keep their rates reduced; otherwise the competitors would come back, and I cannot conceive the company continuing such a service on which they were losing heavily.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: What about the State-managed Railways?

THE HONOURABLE MR. M. W. BRAYSHAY: The State-managed Railways are not covered by this measure. The State Railways at present may run services if they wish as the restriction in the Act does not apply to them. As a matter of fact the big State Railways or the big Company Railways have not pressed for a measure of this sort as yet and the State Railways have not taken any action on any extensive scale to establish motor services of their own.

Sir, I think I have answered the questions that have been put.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. W. BRAYSHAY : Sir, I move :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

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#### NOMINATION OF MEMBERS FOR ELECTION TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT : I have now to announce that the following Honourable Members have been nominated for election to the Standing Committee to advise on subjects other than “ Roads ” and “ Broadcasting ” dealt with in the Department of Industries and Labour :

The Honourable Mr. Mahmood Suhrawardy.

The Honourable Sardar Buta Singh.

The Honourable Sardar Shri Jagannath Mahariaj Pandit.

There are three candidates for two seats and the election will therefore take place on Monday, the 11th September, 1933.

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#### NOMINATION OF MEMBERS FOR ELECTION TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT : I have also to announce that the following Honourable Members have been nominated for election to the Standing Committee to advise on subjects in the Department of Commerce :

The Honourable Mr. Sutyendra Chandra Ghosh Maulik.

The Honourable Sir Phiroze Sethna.

The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

There are three candidates for two seats and in this case also the election will take place on Monday, the 11th September, 1933.

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#### STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, as Honourable Members are aware, Monday, the 11th and Wednesday, the 13th September are days allotted for non-official business. It will not be necessary for the Council to sit on Tuesday, the 12th but I would suggest that the Council should meet on Thursday, the 14th September for the transaction of official business when the Bill laid today can be proceeded with along with any other Bills which may be received from the other Chamber by Monday, the 11th September, 1933.

THE HONOURABLE THE PRESIDENT : The Council will now adjourn.

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The Council then adjourned till Eleven of the Clock on Monday, the 11th September, 1933.

## COUNCIL OF STATE.

*Monday, 11th September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### MEMBER SWORN :

Major-General James Drummond Graham, C.B., C.I.E., K.H.S.  
(Government of India : Nominated Official).

### QUESTIONS AND ANSWERS.

#### FORMATION OF A CENTRAL JUTE COMMITTEE AND THE ASSIGNMENT OF THE JUTE TAX.

148. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ :  
(1) Will Government be pleased to state whether any action has been taken to give effect to the formation of a Central Jute Advisory Committee ? If no action has been taken, why not ?

(2) When do Government propose to form this Committee ?

(3) Will Government please state whether the Bengal delegates to the Round Table Conference and to the Joint Parliamentary Committee asked for the assignment of the jute tax to the Government of Bengal to enable it to balance Bengal's budget, and whether Government have decided to accept their recommendations ? If they have not accepted their demands in full what is their final decision in the matter ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
(1) and (2). If the Honourable Member is referring to the recommendation of the Royal Commission on Agriculture in India, that a Central Jute Committee should be formed on the lines of the Indian Central Cotton Committee, I may state for his information that the matter is still under consideration. It has not been possible to take any action in view of the prevalent financial stringency.

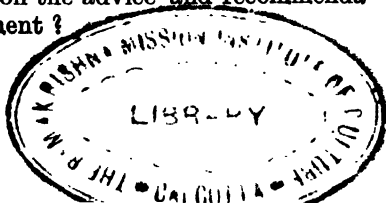
(3) The attention of the Honourable Member is invited to paragraph 137 of the proposals in the White Paper.

#### APPOINTMENT OF MUSLIM JUDGES IN THE CALCUTTA HIGH COURT.

149. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ :  
(1) Will Government be pleased to state whether the appointments of the Judges of the Calcutta High Court are made on the advice and recommendation of the Provincial or the Central Government ?

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(2) Is Government aware that formerly the High Court Judges were appointed from outside the province as in the case of the Madras High Court when a Bengal man was appointed there ?

(3) Is Government aware of the dissatisfaction of the Muslim community of Bengal at a 6 per cent. representation in the High Court in a province where they are 54 per cent. ?

(4) Is it a fact that for the last 17 years there has been one and only one Muslim Judge in the Calcutta High Court ?

(5) Is it a fact that by rule or convention proportions are fixed for the Indian Civil Service and members of the English Bar ? Do Government contemplate the reservation for Muslims of a certain proportion of the appointments of the Judges in the Calcutta High Court with the proviso that as long as local talent is not available appointment should be made from outside the province ?

THE HONOURABLE MR. M. G. HALLETT : (1) Permanent appointments are made by His Majesty under section 101 of the Government of India Act and not in the manner suggested by the Honourable Member.

(2) Government are aware of cases in which vacancies in the High Court of a province have been filled by the appointment of a lawyer practising in another province.

(3) Government are aware that the Muslim community would welcome the appointment of more Muslim Judges.

(4) The Honourable Member's statement is correct so far as permanent Judges are concerned. In 1931 a second Muslim acted as a Judge in the High Court while there was already a permanent Muslim Judge.

(5) As the Honourable Member is no doubt aware it is proposed in the White Paper to abolish the reservation of proportions of Judgeships for members of the Indian Civil Service and for barristers. Government are certainly not prepared to introduce a reservation in favour of any community.

#### PRESENT POSITION AND FUTURE OF THE SUGAR INDUSTRY IN INDIA.

150. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (1) Has the attention of Government been drawn to the statement of Haji Abdulla Haroon, M.L.A., published in *Advance* of June 17th, 1933 (dak edition), regarding the future of the sugar industry in India ?

(2) Do Government intend to contradict what has been said by the Haji Saheb ? If not, why not ?

(3) What was the quantity of import of Java sugar into India during the year 1931-32 ?

(4) What is the present position of the sugar industry in India and what is the total output of sugar produced in India during the year 1931-32 ?

(5) How many new sugar factories have been established in India from January, 1931 up to July, 1933 ?

(6) Will Government be pleased to state the respective quantities of sugar produced in India during the year 1931-32, by the factories owned and managed by Indians and by those under European management and ownership ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(1) Yes.

(2) Government do not consider it necessary either to contradict or to confirm individual expressions of opinion on matters of this kind.

(3) 366,758 tons.

(4) The Honourable Member is referred to the review of the sugar industry of India by the Sugar Technologist of the Imperial Council of Agricultural Research, which was published as a supplement to the *Indian Trade Journal*, dated the 18th May, 1933. The total quantity of sugar manufactured in India during the year 1931-32 was 478,120 tons, including 250,000 tons, which is only a rough estimate, of the sugar produced by the *khandsari* process.

(5) As the sugar crushing season in Northern India normally extends from November to May, figures for the exact period mentioned by the Honourable Member are not available. No new factories were started during the season 1931-32. The number of new factories working during the season 1932-33 was 27.

(6) I regret that this information is not available.

#### CLERICAL STAFF OF CURRENCY OFFICES.

151. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government be pleased to state whether the clerical staff of the currency offices in India is divided into two parts, *viz.*, pensionable and non-pensionable ? If so, how many are pensionable and how many are non-pensionable in each currency office ?

THE HONOURABLE MR. J. B. TAYLOR : It is correct that the clerical staff of the currency offices is partly pensionable and partly non-pensionable. Information regarding the exact number of each class is not immediately available.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : When that information will be available, will the Honourable Member state it ?

THE HONOURABLE MR. J. B. TAYLOR : I will have the information collected and will supply it to the Honourable Member.

#### INDIANIZATION IN THE INDIAN ARMY.

152. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government be pleased to state their policy in regard to Indianizing the Army military services in India in view of the new political reforms to be embodied in the new Constitution Act ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The present policy of Indianizing a complete division of infantry, a complete cavalry brigade and all their ancillary services will remain unaffected by the Constitutional reforms.



DEFINITION OF THE TERM "CLASS COMPOSITION."

153. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government state the exact meaning of the definition of the military term, "class composition" and its exact operation in relation to recruitment in the military service ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : All units of the Indian Army are composed of one or more specified classes or castes. Thus the class composition of the 1st Punjab Regiment, for instance, is Punjabi Mussalmans, Sikhs and Rajputana Rajputs, while the class composition of the 5th Mahratta Light Infantry is entirely Mahrattas.

The class composition, and in many cases the recruiting area for each class are prescribed by Government with due regard to the numbers of the various classes and their suitability for military services.

It is then left to the commanding officer to obtain recruits from the authorised class and area.

SHIWAJI MARATHA MILITARY PREPARATORY SCHOOL, POONA.

154. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government state whether they intend to give recognition to the Shiwaji Maratha Military Preparatory School in Poona in the same manner as to the Prince of Wales' Royal Military College at Dehra Dun ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : No, Sir.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Do the Government propose to give any other sort of recognition to the Shiwaji Maratha Military Preparatory School in Poona, if not on the exact lines of the Prince of Wales' Royal Military College at Dehra Dun ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : That is not the intention at present. The school is in no way a Government institution like the Prince of Wales' College and its career today does not show that it deserves recognition.

ENCOURAGEMENT OF PRIVATE INSTITUTIONS OF PHYSICAL EXERCISE AND CULTURE AND GYMNASIUMS, ETC.

155. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government state generally what their policy is with regard to the encouragement of private institutions of physical exercise and culture and gymnasiums, etc., irrespective of the fact whether they are affiliated or not to the educational institutions for giving physical training and teaching discipline on lines approved for the recognised preparatory military schools ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : As the Honourable Member is aware, Education is a provincial transferred subject in the Governors' provinces in India and the matter referred to by the Honourable Member, in so far as it concerns educational institutions, is the concern of Local Governments. As regards the value of such training to the Army, which concerns the Government of India, the latter's attitude towards institutions which impart that training is one of sympathy.

**HINDU REFRESHMENT ROOM AT KURDUWADI STATION, GREAT INDIAN PENINSULA RAILWAY.**

156. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: (a) Will Government be pleased to state whether complaints have been made to the Traffic Manager of the Great Indian Peninsula Railway complaining against the management and amenities of the Hindu refreshment room or hotel for the use of railway passengers at Kurduwadi station?

(b) Are Government aware that the Kurduwadi railway station is used by a very large number of passengers generally of orthodox persuasion going to and coming back from the sacred shrine of Shri Vithoba at Pandharpur, practically throughout the year and particularly on the occasion of the annual festival?

(c) Do Government propose to make arrangements for the proper management of the Hindu section of the refreshment room or hotel?

THE HONOURABLE MR. M. W. BRAYSHAY: Government have no information, but the matter will be brought to the notice of the Agent, Great Indian Peninsula Railway, for any action that he may deem necessary.

**CASE LAID BEFORE THE CAPITATION RATE TRIBUNAL ON BEHALF OF THE GOVERNMENT OF INDIA.**

157. THE HONOURABLE MR. HOSSAIN IMAM: Is Government in a position now to reply to my question in the Council of State No. 13 of 16th February, 1933, regarding the case laid before the Capitation Rate Tribunal on behalf of the Government of India.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I regret that I am not yet in a position to add anything to the reply given to the Honourable Member's question No. 13 on the 16th February, 1933. The Secretary of State, however, informed the Joint Select Committee on the 28th July, 1933, that he hoped to make a fuller statement on the subject in the coming autumn.

**INELIGIBILITY OF GRADUATES OF INDIAN MEDICAL COLLEGES FOR APPOINTMENT TO THE INDIAN MEDICAL DEPARTMENT.**

158. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state what decision has been arrived at on the matter referred to in reply to my question in the Council of State No. 48 of 18th February, 1933, regarding the ineligibility of graduates of Indian Medical Colleges for appointment in the Indian Medical Service?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is proposed to defer a decision until the Legislature has completed its consideration of the Indian Medical Council Bill.

**DATES AND NOS. OF NOTIFICATIONS REGARDING EXEMPTION FROM INDIAN INCOME-TAX OF THE SALARIES OF THE HIGH COMMISSIONER FOR INDIA, ETC.**

159. THE HONOURABLE MR. HOSSAIN IMAM: Will Government give the date and number of the notification referred to in reply to my question in the Council of State No. 50 of 18th February, 1933, regarding exemption from Indian income-tax of the salaries of the High Commissioner for India, etc.?

THE HONOURABLE MR. J. B. TAYLOR : The Nos. of the Notifications are 878-F., dated the 21st March, 1922, 24-Income-tax, dated the 16th June, 1928, and 43-Income-tax, dated the 20th October, 1928.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Government lay these notifications on the table ?

THE HONOURABLE MR. J. B. TAYLOR : I will lay them on the table in due course.

#### INDIAN MEDICAL SERVICE OFFICERS, ETC., IN PROVINCES.

160. THE HONOURABLE MR. HOSSAIN IMAM : Will Government kindly give the following information about the Indian Medical Service :

(a) The total number of Indian Medical Service officers in each province ?

(b) The total number of higher posts reserved for the Indian Medical Service and listed for the Assistant Surgeons in each province ?

(c) The number of Indian Medical Department officers serving as Civil Surgeons in each province and whether they are serving in the listed posts or in posts reserved for the Indian Medical Service ?

(d) Will the Indian Medical Service continue under the new constitution or will the Indian Medical Service officers be ineligible for civil employment ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZI-I-HUSAIN : (a) A statement showing the number of Indian Medical Service officers employed in each province on the 1st August, 1933, is laid on the table.

(b) and (c). A statement giving the details of the civil appointments reserved for officers of the Indian Medical Service has been placed in the Library of the House. The appointment of Civil Assistant Surgeons and Indian Medical Department officers to Civil Surgeoncies or other superior medical posts in the provinces rests with Local Governments. Information in regard to the number of such appointments is not readily available.

(d) The matter is under consideration.

*Statement showing the number of officers of the Indian Medical Service employed in the various provinces on the 1st August, 1933 (including those on leave).*

Name of province.	Number of Indian Medical Service officers employed (including those on leave).
Madras .. .. .	33
Bombay .. .. .	33
Bengal .. .. .	33
United Provinces .. .. .	27
Punjab .. .. .	32
Burma .. .. .	32
Bihar and Orissa .. .. .	29
Central Provinces .. .. .	12
Assam .. .. .	12
North-West Frontier Province .. .. .	10

ARMOURIES AT RAILWAY STATIONS.

161. The HONOURABLE MR. HOSSAIN IMAM: Will Government state the names of railway stations in India where armouries exist and the number and the nature of arms kept there? Will Government further state the numbers and nature of the guards at each of the armouries?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I regret that it would not be in the public interest to disclose the details regarding which the Honourable Member desires information.

ARMOURIES AT RAILWAY STATIONS OF THE EAST INDIAN RAILWAY.

162. The HONOURABLE MR. HOSSAIN IMAM: Will Government now enquire and reply to the last part of my question No. 53 of 18th February, 1933, regarding the armouries at railway stations of the East Indian Railway before 1930?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have nothing to add to the reply given to the question to which the Honourable Member refers.

REVISED SCALES OF PAY FOR NEW ENTRANTS TO GOVERNMENT OF INDIA SERVICES.

163. THE HONOURABLE MR. HOSSAIN IMAM: (a) Has Government come to any decision on the question of the salary of new entrants to Government services? If so, what scales of salaries have now been fixed for each service?

(b) When and what report did the special officer appointed to investigate the question of the salaries of new entrants submit? Has Government consulted the Indian Legislature or do they propose to consult the Retrenchment Committee? If not, why?

THE HONOURABLE MR. J. B. TAYLOR: (a) Revised scales of pay for new entrants to services under the control of the Government of India are in the course of publication.

(b) The recommendations of the Special Officer were not consolidated into the form of a report. Government have not consulted the Legislature on the new scales, nor do they propose to do so, as they do not consider this necessary. The Retrenchment Advisory Committee was informed accordingly and they decided to leave the responsibility of fixing the new scales to Government.

STATISTICAL RESEARCH BRANCHES.

164. The HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: Will Government be pleased to state:

(a) Whether it is a fact that an office called the Statistical Research Office has been opened under the Government of India and men have been recruited recently for that office by the Director General of Commercial Intelligence and Statistics, Calcutta?

(b) If the answer to above be in the affirmative, how many appointments have been made for that office? How many Muslims and Hindus of Bengal have been taken and what was the number of Muslim applicants for these posts?

(c) Whether the vacancies were advertised in any newspaper? If not, why?

THE HONOURABLE MR. T. A. STEWART: (a) Yes. The office referred to is a Branch of the Department of Commercial Intelligence and Statistics, Calcutta.

(b) Ten; six by recruitment of outsiders and four by transfer of trained men from the Calcutta office. Of the outsiders two are Bengali Hindus. Of the four resulting vacancies in the Calcutta office, one post has been filled by a Bengali Hindu and one by a Bengali Muslim. The remaining two vacancies are still unfilled as the Muslim candidates to whom they were offered refused to join. The number of Muslim applicants on the waiting list of candidates for appointments in the Commercial Intelligence and Statistics Department was 102.

(c) No, Sir. Advertisement was not considered necessary as the Director General of Commercial Intelligence and Statistics already had a very large number of applicants on the waiting list.

DEPOSIT OF ONE CRORE OF RUPEES BY DOWAGER QUEEN BAHU BEGUM IN 1813.

165. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): (1) Will Government be pleased to state if Dowager Queen Bahu Begum deposited one crore of rupees with the British Government in 1813 at 6 per cent. interest in order to maintain her relations and dependents and extend the same to heirs and successors in perpetuity?

(2) Is Government aware of the terms of the deed of deposit, mentioned in Aitchison's Treaty, Chapter 42, Oudh No.?

(3) Will Government please state whether the terms of the deed of deposit are carried out?

(For reply see under No. 167.)

GRIEVANCES OF WASIKADARS.

166. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): (1) Are the beneficiaries or wasikadars referred to in the previous question governed by the Wasika Act?

(2) Is Government aware that under the said Wasika Act a wasikadar cannot sue the Secretary of State for any claim against him as under ordinary law?

(3) Is Government aware of the grievances of these wasikadars?

(4) Is Government aware that memorials addressed to the Imperial Government have been withheld by the Local Government?

(For reply see under No. 167.)

RESUMPTIONS OF THE WASIKA IN RAJA BODH SINGH'S FAMILY.

167. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): (1) Is Government aware of the resumptions of the Wasika in Raja Bodh Singh's family?

(2) Is it a fact that under Order No. G.O.-1614, dated the 29th July, 1871, the Government of India declared the Wasika of Raja Bechu Singh, son of Bodh Singh, hereditary and inheritable?

(3) Will Government be pleased to state the amount up to date from the time of resumption made under Amanat Head and what is done with it?

THE HONOURABLE MAJOR W. K. FRASER-TYTLER: With your permission, Sir, I will answer questions Nos. 165—167 together. The information is being collected and will be communicated to the Honourable Member.

#### INCOME-TAX DEPARTMENT, BENGAL.

168. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will the Government of India be pleased to give the following information with regard to the Income-tax Department, Bengal:

(1) The numerical strength in each cadre after the last retrenchment in July last?

(2) The number of Muslim officers in each cadre after the above retrenchment and the respective proportions to the total strengths in each cadre?

(3) Whether it is a fact that the Commissioner of Income-tax contemplates making further retrenchments?

(4) If so, whether he proposes bringing the proportion of the Muslim officers to 45 per cent. in each cadre, as per orders passed by the Government of Bengal?

(5) If not, why?

(6) What is the proportion the Commissioner proposes to maintain in each cadre and the reasons therefor?

THE HONOURABLE MR. J. B. TAYLOR: I have called for information and will lay it on the table in due course.

#### TRANSFER OF SRI BADRI NATH TEMPLE.

169. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): Will Government be pleased to make a full statement on the transfer of Sri Badri Nath Temple in regard to the following points:

(a) How has this question arisen and who moved it?

(b) Whether any representations were received from local and all-India Hindu Sabhas?

(c) How are the present resources of the temple utilised?

THE HONOURABLE MAJOR W. K. FRASER-TYTLER: The information asked for is being collected and will be supplied to the Honourable Member in due course.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member lay it on the table? It is of general interest to all of us.

THE HONOURABLE THE PRESIDENT: When the information is collected it will certainly be laid on the table because there would be no other opportunity of replying here.

**NUMBER OF WAGONS WITH LAVATORIES ON THE EAST INDIAN RAILWAY.**

170. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra) : (a) Will Government be pleased to state how many wagons—I, II and Inter class composite—are being used by the East Indian Railway which have no lavatories ?

(b) Why have they been allowed so far without any consideration for the convenience of the public ?

(c) Is Government aware that there is one such composite bogie No. F. 1392, which is being used on the Shahjahanpur-Sitapur section ?

(d) If the answer to part (a) is in the affirmative, do Government propose to put a stop to its further use on the line ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) and (b). Government have no information but they are making enquiries from the East Indian Railway Administration, and, if the information is readily available, will place a statement on the table in due course.

(c) and (d). No. But the section is only 57 miles in length.

**ASSISTANT COMMISSIONERS OF INCOME-TAX IN BENGAL.**

171. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to lay on the table a statement showing the period for which the present Assistant Commissioners of Income-tax in Bengal served as Income-tax Officers in charge of general districts ?

(b) In view of the fact that Marwari is one of the principal mercantile languages in Bengal, do Government contemplate the making of a rule that Assistant Commissioners should have a thorough knowledge of the Marwari language and scripts in that language ?

(c) Will Government also lay on the table a statement showing the names of the Assistant Commissioners who have ever been in charge of a Marwari district in the capacity of an Income-tax Officer and the period for which they served in that capacity ?

THE HONOURABLE MR. J. B. TAYLOR : I have called for information and will lay it on the table in due course.

**APPEALS HEARD BY ASSISTANT COMMISSIONERS OF INCOME-TAX IN INDIA, ETC.**

172. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to lay on the table a comparative statement of the appeals heard by the Assistant Commissioners in India, range by range, during 1929-30, 1930-31 and 1932-33, year by year, showing those appeals in which orders were actually passed under section 31 of the Indian Income-tax Act and showing the number of salary and general cases separately ?

(b) Is it a fact that the Assistant Commissioners in Calcutta are insufficiently employed ?

(c) (i) Has Government considered the desirability of investing the Assistant Commissioners of Bengal, particularly in Calcutta district with powers of Special Income-tax Officers ?

(ii) Will Government be pleased to state whether the investing of Assistant Commissioners with powers of Income-tax Officers has been tried in any province in British India since 1922? If so, where, and has this practice worked successfully? If so, do Government propose to extend this practice gradually throughout British India?

(d) Will Government also lay on the table a statement showing the Calcutta district, range by range, and the dates on which inspections were made by the Assistant Commissioners, during 1929-30, 1930-31, 1931-32 and 1932-33, and the dates on which inspection notes were received in the Income-tax Offices, with the number of general files inspected and the percentage they bear to the total number of general cases in each district?

THE HONOURABLE MR. J. B. TAYLOR: (a) and (d). The compilation of the information asked for would involve an amount of work which would be incommensurate with the value of the results secured and I am not therefore prepared to undertake its compilation.

(b) The reply is in the negative.

(c) The information is being obtained and will be laid on the table in due course.

#### INCOME-TAX OFFICERS IN BENGAL.

173. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government be pleased to lay on the table a statement showing the names of Income-tax Officers and Additional Income-tax Officers, noting against each the total period of service in the department, the period served in Calcutta and the period outside Calcutta districts, the 24-Parganas and Howrah?

(b) Is it a fact that some officers were never sent out of Calcutta from the beginning of their service till now except for a brief period of a month or two?

(c) Will Government be pleased to state the reasons why Messrs. Phillippe, Martin and Robertson were never sent out of Calcutta?

(d) Will Government be pleased to state the reasons why the following officers who have been serving in Calcutta are not sent out of Calcutta:

- (1) Mr. Shamsuzzuha Ahmed,
- (2) Mr. S. K. Ghosh,
- (3) Mr. Ahsanullah,
- (4) Mr. M. R. Roy Mitter,
- (5) Mr. P. C. Datta,
- (6) Mr. S. P. Roy,
- (7) Mr. Sushil Chaudhury?

THE HONOURABLE MR. J. B. TAYLOR: I have called for information and will lay it on the table in due course.



THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
Within how many months will the information be laid on the table ?

THE HONOURABLE MR. J. B. TAYLOR : I said that it will be laid on the table in due course.

INCOME-TAX OFFICERS, ETC., IN THE INCOME-TAX DEPARTMENT IN BENGAL.

174. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Will Government be pleased to lay on the table a statement showing the number of :

- (1) Income-tax Officers,
- (2) Additional Income-tax Officers,
- (3) Examiners of Accounts,
- (4) Assessors,
- (5) Ministerial officers,
- (6) Menials,

in the Income-tax Department, Bengal, and the number of Hindus, Muhammadans and Christians on 1st April, 1922, 1st April, 1931, and 1st April, 1933 ?

(b) Will Government be pleased to state the number of Muhammadan ministerial officers and menials in the offices of the Commissioner and Assistant Commissioners of Income-tax, Bengal, range by range ?

(c) Will Government be pleased to state why a sufficient number of Muhammadan ministerial officers were not taken in the offices of the Commissioner and Assistant Commissioners of Income-tax in Bengal ?

THE HONOURABLE MR. J. B. TAYLOR : I have called for information and will lay it on the table in due course.

THE HONOURABLE MR. BIJAY KUMAR BASU : I think, Sir, we ought to have some explanation about "due course".

THE HONOURABLE THE PRESIDENT : If you want a definition of "due course" it means "in course of business".

INCOME-TAX OFFICERS IN CHARGE OF GENERAL DISTRICTS IN CALCUTTA AND THE MOFUSSIL.

175. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
Will Government be pleased to lay on the table a statement showing the names of all the Income-tax Officers, who were in charge of General districts in Calcutta or Mofussil and the number of assessment of cases disposed of by them unaided by Examiners or Additional or Assistant Officers in the course of 1930-31, 1931-32 and 1932-33 ?

THE HONOURABLE MR. J. B. TAYLOR : With your permission I shall answer this and the next question together. The information could not be obtained without an expenditure of time and labour disproportionate to the value of the results secured.

NUMBER OF APPEALS EXAMINED BY ASSISTANT COMMISSIONERS OF INCOME-TAX IN BENGAL.

176. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state the number of appeals in which accounts were examined by Assistant Commissioners of Income-tax in Bengal and the number of appeals which were remanded for re-examination in the years 1930-31, 1931-32 and 1932-33 ?

(For reply see under No. 175.)

RESOLUTION *RE* INDIAN CIVIL SERVICE.

THE HONOURABLE THE PRESIDENT (addressing the Honourable Mr. Hossain Imam): You will proceed to discuss your Resolution.\* You have already read the Resolution. It is not necessary to read it again.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, before dealing with the positive effects of my Resolution I should like to say a few words about its negative aspect. I am afraid, Sir, that my Honourable friends on the Treasury Benches have a suspicion that I have brought forward this Resolution in a spirit of animosity towards the Civil Service—(*An Honourable Member* : “No”).—I have not been actuated by anything of that sort. I really wish to make all the incumbents of this service happy and contented. I have got great regard and admiration for the Service and I can truly say that India has every reason to be thankful to the Service which at a time, when there was no one to safeguard our interests, when there was neither a Legislature nor a nationalist Press, safeguarded our interests to the best of their abilities. There might be differences of opinion; but that has nothing to do with dishonesty; they did things to the best of their lights. Opinions may differ as to what is best for India and what is not. Sir, this Service is unique in several respects. The emoluments which it gets is more than that of any other Service. The opportunities which it offers is greater than that of any other Service. The amount of leave which the members of this Service enjoy is more than that of any other Service under the Government of India or under the Government of England. The pension which it gets is more than that of any other Service under the Crown of Great Britain. With all this, Sir, we have nothing to say, except that in the changed circumstances I wish to draw the attention of the Government to the advisability of making some changes in the present constitution of the Service. As will be seen from my Resolution, it can be conveniently divided into three parts. The first part deals with the reduction of the cadre from 202·79 per cent. of the superior posts. The second part asks for the removal of the discrimination between the Indian members of the Service, and the third asks for an increase in the listed posts to 25 per cent. I would like to say that I do not wish and could never wish that

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\* “This Council recommends to the Governor General in Council to move the Secretary of State in Council to reduce the strength of the provincial cadre of the Indian Civil Service from 202·79 per cent. to 160 per cent. of the total number of superior posts for direct recruitment in the provinces, and to remove the discrimination in the overseas pay of the Indians recruited in India and in London and to increase the posts to be ultimately listed to 25 per cent. of the superior posts.”

[Mr. Fossain Imam.]

immediate effect should be given to the recommendations in this Resolution. So long as we find the Government willing to give effect, the time factor need not worry us.

The position at the moment is that there are 604 superior posts for direct recruitment to the Indian Civil Service in the whole of India. Out of those 604 superior posts there are some posts the counterpart of which is not found in other provinces. I would especially draw the attention of the Government to two or three anomalies. In Madras we find a special provision for 15 sub-collectors in the list of superior posts, an item which is not found in any other province in India. Then there is another glaring example of the same sort. We find 13 additional district and sessions judgeships on the time-scale in Bengal. It is a well known fact that European members of the Indian Civil Service are not very keen on going to the judicial side, so these additional posts are mostly utilised for finding jobs for Indians in the Indian Civil Service. In all there are more than 40 posts which could easily be reduced from the 604 superior posts. But, Sir, I gave notice of this Resolution from my home town, and there I did not have all the papers which I find up here and therefore this Resolution does not deal with these inequalities. But while I am on the subject I wish to draw the attention of the Government to these anomalies, which ought to be removed when the matter is being considered in detail.

Now, Sir, according to the official figure of 202·79 per cent. of the 604 superior posts, there ought to be 1,225 men in the cadre. But according to the reply which the Honourable Mr. Hallett gave to my question No. 107 I find that there are 1,173 men in the cadre, a percentage of 192, which is already a reduction of about 10 per cent. effected by the Government without anybody asking them to do so. This I regard as an earnest for the future. But according to the latest issues of the civil lists of the different provinces we get the figure, which has been given me, of 1,158 on the 1st July, 1933. I cannot vouch for its correctness and I wish Government had given me these figures, because they are available in the Library and the Government would not have been put to great difficulty in getting them. Now, Sir, if my Resolution is accepted what would be the effect? I suggest that the cadre should be reduced to 160 per cent. That means that instead of the present number the number would be reduced to 967. This will happen if only the first part of my Resolution is given effect to. But if the third part of my Resolution about the percentage of listed posts is also accepted, that will mean that there will be 906 people in the cadre. I should like to say that I do not mean that with a stroke of the pen 250 people now in service should be discharged. That would be an ill-reward for the valuable services they have rendered. What I would ask the Government to do is that as the men from the top retire they should not be replaced by an equal number, but half the number of new entrants. Then in about ten years' time we would reduce the cadre to the limit which I have suggested, without depriving the future candidates altogether of a chance of entering the service, which would happen if recruitment was altogether suspended.

Now, Sir, coming to the details of this 202·79 per cent., I will first of all take up the deputation reserve, which is the smallest of all items. The deputation-

tion reserve is 7 per cent. I have looked into some of the civil lists and especially that of my own province and I am unable to find what is the exact implication of this deputation reserve, because there is a special reserve of 10 or 11 per cent. for the Government of India in every province. For instance, in Bihar and Orissa we have five Government of India posts on our cadre, and in addition to that 7 per cent. is kept as deputation reserve. We think, Sir, that this reserve is primarily meant for officers to be deputed to Indian States. If this is so they ought to be included in the Political Department cadre. There are in the superior posts in the Government of India, 29 posts, for appointments in the Political Department. Now, Sir, I wish to enter an emphatic protest against saddling the provinces with the charge for equipment and training these civil servants who after spending a part of their lives in the districts are sent away. There is no doubt the States make a contribution towards pension. But what about all these years which an Indian Civil Service man spends in learning his job? When he has learned it and when he has become really useful, he is taken away from us. We ought to be compensated for this or else this deputation reserve should be taken out, because we, in the provinces, Sir, do not, I think, owe anything to the Indian States, for which we have got to incur this expenditure. In most of the provinces I find that the 7 per cent. which is set for deputation reserve is not utilised. No doubt there are provinces in which more than 7 per cent. has been sent on deputation, but there are provinces like my own in which 7 per cent. is not sent out on deputation. I would therefore advocate that it should either be abolished altogether or reduced.

Now, Sir, there is 15 per cent. known as training reserve and 38·70 per cent. inferior posts. This gives us 53·70 per cent. of the superior posts or 324 men, who are regarded as neither good enough to hold superior posts nor bad enough to be relegated to the provincial service. They stand in between the two. It is difficult to find exactly what is meant by training reserve and what is meant by these inferior posts, because incumbents of both do the same kind of work. They are joint magistrates, assistant magistrates and so forth. Now, Sir, a glance through the civil list discloses the fact that from the seventh year Indian Civil Service men start acting in the superior posts and it is rare to find any Indian Civil Service man who has not officiated in the superior posts in his eighth year. The usual period of service in the Indian Civil Service is 35 years. According to this formula, Sir,  $8/35$  ought to have been the reserve for the inferior posts. This gives us something like 23 per cent. Even if the reserve with a margin is kept at 30 per cent. for these two items, training reserve and inferior posts, we should find that the work would not suffer. Thirty per cent. means that up to 11 years of his service, a man will be serving in inferior posts, which is very rare to find in our civil list today.

Now, I would like to draw the attention of the Government to an important factor, the changed circumstances which require that the Government should change its policy. I think there are civilians in this House who have had experience as district officers, who have performed a lot of work which the present-day officers are not discharging. The district officer previously used to be the head of the municipality. Now it is the whole-time job of a non-official. He used to be the head of the district board. This also has now been transferred to non-officials. He was the be-all and end-all of the Income-tax

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Department of the Government of India. The Finance Department did not find them quite suitable to do this work and has created its own cadre of Income-tax Officers. There was the Excise Department which too has been taken over by the Local Self-Government Department under themselves. In former times the district officer did require a man of a superior type to assist him in the discharge of his work, but that is not necessary now in almost all the provinces. Now the work of the district officer has been immensely lightened, and therefore the number of inferior posts which are mostly executive—about 80 per cent.—could very well be curtailed. If I therefore place the training reserve and the inferior posts at 30 per cent. the Government can not regard it as insufficient.

Now, Sir, I come to the biggest part of the reserve, namely, the leave reserve, which stands at 41·96 per cent. It is unheard of in any service in the world. I shall be very glad if the Government benches could point out to me any service either under the British Crown or elsewhere in which a leave reserve of such magnitude is kept. I shall presently lay on the table a statement\* which I have prepared for three provinces, Bihar and Orissa, the United Provinces and Bengal. In these three provinces there are a number of Indians and Europeans in the Indian Civil Service. The net result of my inquiry, the details of which I shall give later on, is that there are 151 Indians and 310 Europeans in the Indian Civil Service in these three provinces, and it will be surprising to hear that out of 151 Indians only nine are on combined privilege leave and furlough—long leave, etc., and out of 310 Europeans there are 70 on long leave. The number of superior posts for these three provinces is 240. It is very easy to calculate what is the proportion of the leave which the European members of the Indian Civil Service enjoy and what is the proportion which Indians enjoy. Nine out of 240 is a great difference from 42 per cent. which is kept as leave reserve. It is apparent from a perusal of the civil list that Indians who have been born and bred up in India do not require the same amount of leave which European members require, and the Government too has admitted this by its action. They have different kinds of rules. Indian members of the Indian Civil Service recruited or nominated in India are not subject to the same leave rules as the European members of the Service are. They are under the ordinary leave rules. For instance, they cannot take more than four months' leave on average pay if they stay in India, whereas English Indian Civil Service officers can stay either at home or in India for eight months on average pay. I just cite this instance, Sir, to show that when we are admitting larger and larger numbers of Indians in the Civil Service and, when we find from a perusal of the civil list that they do not require as much leave as Europeans, it is only just and reasonable—and that is exactly what a businessman would do—to curtail the leave reserve in accordance with the demand. Now, Sir, I should like to draw the attention of the Government to the fact that Indians who are in the Indian Civil Service are apt to take short leave more often than European members and short leave is taken in conjunction with holidays, so that working days are not much wasted and a very small amount of leave reserve would

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\* Vide Appendix, pages 285-86.

do for them. My point is, that if we take the average number of Europeans who usually enjoy leave and the number of Indians who go on leave, we shall find that 20 per cent., or at the most 25 per cent., would be more than sufficient. I seem to have an idea, Sir,—perhaps the Honourable the Finance Member will enlighten us,—that ordinarily the leave reserve is kept at 10 or 11 per cent. in all the other services.

Now, Sir, the net result, I should like to point out of my Resolution is that I wish that in the near future the deputation reserve should be kept at 5 per cent., the training reserve and inferior posts should be placed at 30 per cent. of the superior posts, and the leave reserve at 25 per cent. of the superior posts. This will give us 160 per cent., instead of the present 192 per cent. which is prevalent.

Now, Sir, the next part of my Resolution deals with discrimination between Indians recruited in India and in England. This, Sir, is a story which does not redound to the credit of the Government. If they had wanted to differentiate between the European members of the Civil Service and the Indian members, they would have had some justification. Europeans come from a long distance. They are bred in a different atmosphere and they have a higher standard of living and there seems to be some slight justification in giving them an additional amount of money as an inducement. But when it comes to differentiating between two Indians simply because of the fact that one was recruited in England and the other in India it seems to be highly unjustifiable. To my mind it is calculated to engender a certain amount of discontent in the Service. Now, Sir, the enormous amount of money which is involved in overseas training will be fully understood if I give some facts.

THE HONOURABLE THE PRESIDENT: The Honourable Member's time is up and I trust he will bring his remarks to a close as early as possible.

THE HONOURABLE MR. HOSSAIN IMAM: May I have seven minutes more, Sir?

THE HONOURABLE THE PRESIDENT: I said please bring your remarks to a close as early as possible.

THE HONOURABLE MR. HOSSAIN IMAM: The European Indian Civil Servant in 24 years get Rs. 94,400, which invested at 4 per cent. compound interest would give an annual income of Rs. 500 a month. The Indian Indian Civil Servant men in 24 years get Rs. 72,600 which is not given to Indians recruited in India. In 1919 this overseas pay was started and it was announced that it would be given to all Indians who had been trained in England up to 1925 but not to those trained in India. Since 1925 there has been no distinction. That is why I wish that either you give these things to Indians recruited in India or do away with them. It is open to you to do what you like. Now, Sir, the worst part of it all is that one injustice has been made the cause of another injustice. When it came to a matter of passage money, the Indians who were recruited in England were granted passage concessions by the Lee Commission but Indians employed in India were deprived of it. It is really very hard and is the height of folly.

Now, Sir, I will come to one more point and that is about listed posts. It is admitted, Sir, on all sides by every experienced administrator that the listing

[Mr. Hossain Imam.]

of posts to the Provincial Service has been a wise step. You have the possibility of picking and choosing from about 400 men for 15 posts. As far as I have been able to make out from my friends in the Service they all express approval of this. I therefore think, Sir, that they should try and give them more posts. And one word more, Sir. If you give them superior posts we ought to give them a little early. It is very rarely that we find that Provincial Service men can rise to higher posts above that of district magistrates and district judges. I will also ask the Government if they cannot reduce the training reserve in the inferior posts that they should take Provincial Service men in those posts.

With these few words, Sir, I should like to commend this Resolution to the consideration of Government and ask them to be more sympathetic than has been their usual attitude, and at least to accept the spirit of it.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I quite recognise that the Honourable Member, in moving this Resolution, was not inspired by any spirit of animosity towards the Service of which I have the honour to be a member. I recognise also that he has taken very considerable care in working out the case which he has put forward in his speech. But I submit that this question of the strength of the cadre of the Indian Civil Service is a very complicated technical question and one that is not really suitable for discussion on the floor of the House. General principles can no doubt be laid down but detailed points must be discussed in the quietness of an office-room. If the Honourable Member would care to come and discuss this question with me in my office I shall be very pleased to discuss it with him. I do not propose, therefore, to go into quite as full detail as he has done in his speech and I trust that I shall be able to satisfy him that Government are quite alive to many of the points that he has raised and are already taking action on some of the lines which he has suggested.

He referred in the first place—though this is rather a side issue—to certain anomalies, certain differences which existed between various provinces. That is inevitable. Madras has a different administration from Northern India and therefore they have these posts of sub-collectors. In Bengal he complained that there was an unduly large number of additional district and sessions judges. I presume that is due to the fact that the Bengalis are rather a litigious people.

He then went on to discuss the percentages, and suggested a reduction of the 202·79 per cent. on which the strength of the cadre of the Indian Civil Service in the various provinces is based. He referred to the deputation reserve of officers which he did not consider necessary, or at any rate he thought it might be reduced. I have experience of a province and I have found it frequently necessary to put officers on to special duty which does not go on continuously but which arises from time to time. I can quote two very obvious examples. It is necessary, for instance, when the census is conducted to put an officer on to that work. It is work which only goes on for one or two years and the post is not needed continuously. Another example is that at the present time most Local Governments have a special officer dealing with the various problems that are arising in connection with the reforms. In a short time I trust there will be officers on special duty in all the provinces making arrangements for the first elections under the new Constitution. That would be

an arduous and difficult work. The Honourable mover wanted the point to be considered whether the deputation reserve should not be somewhat lower than its present figure of 7 per cent. He then went on—perhaps again this was rather a side issue—to refer to the position and work of district magistrates. That challenges me at once, because I have been a district magistrate both before and after the reforms. I have been a district magistrate of the district from which the Honourable Member comes after the reforms, and I think he will admit that it was not a very light charge although I was not also chairman of the district board or the municipality. That work has been taken away now but work still falls to the lot of the district magistrate and from personal experience I can say that the work of a district magistrate is no lighter, and certainly no less important now after the reforms than it was 10 or 15 years ago.

THE HONOURABLE MR. HOSSAIN IMAM : One word, Sir. Was there any joint magistrate serving with the Honourable Member all the time that he was a district magistrate ? Was there an Indian Civil Service joint magistrate all the time the Honourable Member was acting as a district magistrate in my home town ?

THE HONOURABLE MR. M. G. HALLETT : I think in some portions of the year I had the assistance of an Indian Civil Service officer, but I am not sure whether he was serving with me all through. However, that is quite a minor point.

The Honourable Member then went on to the question of the leave reserve. We quite recognise that conditions have changed in recent years. Our calculations are based on certain data which were collected 10, 15 or 20 years ago, I am not quite certain how long ago. Conditions have changed. There are a greater number of Indians in the Service, and Indians certainly take less leave than Europeans. The position of the European too has changed and officers are now more inclined to take short leave and go to England and come back in three or four months than they were in the old days, for the simple reason that it is possible now to go and get back in a shorter time. We have therefore made enquiries into the very point which the Honourable Member has raised. We have asked all Local Governments to give us statistics of the amount of leave taken at various times of the year in all the provinces and we are now engaged on working out what reductions in the leave reserve can be made. What the figure will work out to I cannot say, and I do not propose to bore the House with giving any details of the information that we have collected. But I can assure the Honourable Member that we are carefully looking into the matter and that it is probable that the leave reserve of 41·96 will be reduced. I do not think it is a very high leave reserve having regard to the conditions of the Service and I have no doubt that in the Colonies the leave reserve is equally high, for there I understand officers of the Civil Service usually get leave every year, while here they only get leave once in three or four years.

The Honourable Member also referred to a matter which is really hardly relevant to this discussion, and that was that there should be different leave rules for Indians and Europeans. That is a reasonable suggestion and I understand that my Honourable friend Mr. Taylor is dealing with that question.



[Mr. M. G. Hallett.]

Then, Sir, there is the question of the inferior posts and training reserve. There again it is possible that we may be able to make some reduction. At present our calculation is based on the assumption that an officer can be promoted to a superior post in a certain period. By reducing that period we may be able to reduce the number of persons in the cadre representing these two percentages. I cannot say what the calculations will come to in the end, whether it will be possible to reduce the percentage to 160 as suggested by the Honourable Member but I will consider when dealing with the case the points which he has raised and will look into the matter.

The next point which is really quite a distinct issue is the question of the overseas pay to Indians. I thought at first that the Honourable Member had misunderstood the position but possibly he did not. I may however explain the position. The position is that in the old days, when Indians and British officers were all recruited in the same examination in London, they all got the same conditions of service. That was an equitable rule in those days. That carried on till, I think, about 1919. At that time it was recognised that there was no necessity to give Indians serving in their own country the same rates of pay as the British officers who were serving far away from their native land, and for that reason a differentiation was made between the basic and overseas pay. But it was felt that we could not equitably make a change in the conditions of service of those Indians who were already in the Service and who had been recruited to it on the same terms as British officers. It would be grossly unfair; it would cause a feeling of resentment, and it was in all respects undesirable. For that reason, all Indians recruited before this date—1919, I think it was—enjoy exactly the same conditions of service as the British members of the Service. Then there were the Indians recruited in the interim period, that is to say, in 1920 and the following years just after the differentiation between the pay of British and Indian officers was made. There were many Indians who had been working for the examination in England before the introduction of overseas pay had been notified. It was thought that it was not fair to alter their conditions of service. What the Secretary of State said at that time was as follows:

“As regards future entrants, I have come to the conclusion that in order to meet fully the claims of those who are already preparing for the examination, the overseas allowance shall be granted to those Indians who are selected at the next five open competitions, beginning with the examination of 1920. Thereafter the question of the continuance of this concession will be further considered”.

Ultimately it was decided to disallow overseas pay in future and the position now is that no Indian, whether recruited at the Delhi examination in India or at the London examination, gets overseas pay. It is quite impossible to contemplate suddenly taking away the overseas pay from those Indians who have had it from the beginning of their service. That would be manifestly unfair, and would cause discontent—and justifiable discontent—among many Indian members of our Service.

Then there is the final question about listed posts. I fully recognise the merits of the Provincial Civil Service in the provinces. I have seen much of their work in many spheres and I have the greatest admiration for it. But

the point to be noted is that the percentage of these posts was raised from 16 to 20 some five or six years ago and we have not yet worked up to the full percentage of 20. The reason for that is that we have to consider the interests of present members of the Indian Civil Service. It would be unfair to put in an officer from outside over their heads and thereby deprive them of their promotion to which they have a claim. It is for that reason that the Lee Commission when it made its recommendation recognised that it was not possible to work up to the full 20 per cent. immediately but recommended a term of years within which that percentage should be reached. I think that period expires about five or six years hence—in about 1939. As we have not yet worked up

12 NOON. to the 20 per cent. percentage, it is hardly useful to increase that percentage to 25 per cent. There is an even stronger reason which applies to this whole question. As Honourable Members are aware, the White Paper proposals contemplate no change in the present system of recruitment or in the present conditions of service of the Indian Civil Service in the early years of the Constitution. They do not want to make any radical change at a time when these reforms are being introduced. For five years therefore the existing system will continue. There will still be as far as practicable the recruitment of Europeans and Indians on the fifty-fifty ratio, and if a change is made in the percentage of listed posts it would be necessary also to make some change in that ratio. Let the matter then wait till the proposed Commission comes out five years after the inauguration of the reforms. They can go into all these questions and take them up in the light of the experience of the then Provincial Governments. I do not think it is necessary for me to say more on this very technical question. I trust the fact that Government are taking up the main question of examining how far the present percentages suit existing circumstances will satisfy the Honourable Member, and that he will be content with my assurance that Government will weigh the points he has raised. As I have said at the beginning, this is a technical question and if the Honourable Member cares to come and talk to me at any time I shall be very glad to discuss the whole question with him.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I do not agree with the very plausible theory of my friend the Honourable mover of the Resolution. I do not think that his theory will work in practice. Suppose a dispute arises between different sections of the population of a certain province? Who is going to settle that dispute as an impartial judge not belonging to a particular community? Secondly, I do not think he has been very liberal in talking about the leave allowed to the Indian Civil Service and the large leave reserve kept for them. He knows, I believe, that we recruit Gurkhas for the Army, and he will find that Gurkhas even though they are Asiatics are always kept in some hill stations. Why? Because they are the inhabitants of a cold climate. Why, therefore, ask about the leave allowed to English officials? He will admit that they come from a cold climate, and after all people who come from a cold climate, whether they are Englishmen or men from Kabul or Samarkand, cannot spend all their time in the plains. So, if liberal leave is given to Englishmen I personally do not grudge it them, and I do not think any sensible Member in this House will object to that sort

[Major Nawab Sir Mahomed Akbar Khan.]

of leave. After all the Englishman comes to this country to serve, not to have his health broken down

As I am not well acquainted with internal conditions of other provinces I will just explain how the matter stands in my own province. I can boldly say without fear of contradiction from any quarter that the opinion of the majority of my people in the North-West Frontier Province is and will be that there should be a strong element of Englishmen in all the services there. Because we have very strong and acute forms of party feeling and until that party feeling becomes altogether extinct we cannot dispense with a strong element of Englishmen in the services there. The most important sections of the population in my province are the Pathan landlords, the Hindu and Sikh *sahukars* and landowners. All the taxes, land revenue, water rates, income and super-tax and all the municipal taxes, such as octroi, sanitation and *hasiyat* taxes, are realised from people of that kind. They are the backbone of the administration of that province, but it is regrettable that very few representatives of those classes have the good fortune to be taken on in the superior services in that province. The major part of the jobs are generally offered to certain party individuals irrespective of whether they are sufficiently educated for the posts or not. As Honourable Members may know, the Frontier Province is a place of strong party feeling, and it is because of that that we are quite satisfied to have a strong British element in the services until such time as party feelings come to an end. That applies more particularly to the judicial service. It is regrettable that the British element is very weak and, I may say, almost on the point of elimination in the Judicial Department of our province. To my mind there should be two Englishmen on the Bench of the Judicial Commissioner, instead of the present arrangement of one Englishman and one Indian. If that is not possible, then suitable men not belonging to any particular party should be raised to the Bench, because judges ought to be above party feeling. Alternatively, if judges are associated with a certain party they should not sit and adjudicate cases in which their opposite party is concerned, because the opposite party always feel suspicious of such a judge and generally their suspicions are not groundless. Similarly, there should be a strong element of disinterested Englishmen in the subordinate posts of sessions judges and sub-judges under this Bench of Judicial Commissioners. Also while there is an Indian towering personality sitting on that Bench, it is regrettable that his partisanship makes him recommend members of his own party for any new post in the Judicial Department and he uses his influence particularly with a view to succeed in election to the Legislature and in his other party machination. The circumstances of the North-West Frontier Province are very peculiar and that is why under the most painful and distressing circumstances I have to urge upon the Government of India that the judicial line in the province should be strengthened by disinterested Englishmen or Indians : but what I would further like to urge upon the Government of India is that extension in service should not be given to any Indian in that province, because no one in the North-West Frontier Province is indispensable, as there are many capable candidates to take up the job of any Indian retired official in that province.

Sir, with these remarks, I oppose the Resolution brought forward by my Honourable friend, Mr. Hossain Imam.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, first of all I must admire my Honourable friend who has, by his adroit words, shown great sympathy although he has taken care to safeguard himself from saying anything definitely. In the first place, Sir, I did not like to say anything which would embitter the feelings between the two sections of this cadre, but we cannot hide from ourselves that instances are not wanting in which Indian members of the Indian Civil Service have been passed over by Europeans. As will be fresh in the minds of Honourable Members, a question on this subject about the Central Provinces was asked in this House. I have learned of two instances in the Punjab where a Muhammadan and a Hindu Indian Civil Service officer were repeatedly superseded by junior European officers. The Honourable the Home Secretary has been, I admit, sympathetic towards my demand for the reduction of the cadre, but his attitude towards the two other parts has been adamant. His words were that we ought to wait for five years after the introduction of the new reforms.

THE HONOURABLE THE PRESIDENT: Those were not his words; those were the words used in the recommendation made in the White Paper.

THE HONOURABLE MR. HOSSAIN IMAM: What has been promised in the White Paper is that five years after the introduction of the new reforms the millennium will come. I think we shall have to wait pretty long; no one knows how long as no definite assurance has yet been given by any responsible Member of the Government as to when the reforms are coming. I would like to refresh the memory of the Honourable the Home Secretary that in all the provinces 20 per cent. is not a dead letter. There are three provinces where 20 per cent. has been worked up to. In the Punjab this has been worked up to. Eighteen posts were listed and at the moment these 18 posts are held by Provincial Service men and from the Bar. In Bengal, Sir, there are 20 people in the service out of 22 posts listed and one or two—I am not sure—are serving in acting appointments, so that when others retire in a few months they will be made permanent so I hope that in Bengal too by the end of this year we will have the number of listed posts fully occupied. In the Central Provinces all the ten listed posts are filled up. I could not understand the logic of the Honourable Member by which he, after admitting that it has proved to be a success, thinks it advisable to wait, not to find whether it is a success or failure, but simply on account of the well known saying of Lord Asquith, "Wait and see". As far as the leave reserve is concerned, my Honourable friend said that they have the same proportion in the Colonies, but I would like to draw his attention to our own Indian Police Service, which is one of the two services which the White Paper has definitely decided to keep. In that the leave reserve is 26 per cent. of the superior posts. This Service is not manned by Indians alone. There are more Europeans in the Service than there are Indians, and still it is thought advisable to have only 26 per cent. leave reserve.

Now, for the unfortunate 25 or 30 people who were appointed between 1919 and 1925 in India, I am sorry to find that the Government are not sympathetic. I quite appreciate that the Secretary of State made the announcement in 1920 that people who appeared in the London examinations for five

(Mr. Hossain Imam.)

years would get overseas allowance and people who appeared in India would not get this allowance ; but all those people who were in service on the date when the overseas pay was given, irrespective of the fact whether they were Indians or Europeans, got the concession. The passage concessions were given in 1923 and people who were then in service were not given these concessions on the analogy of the 1919 principle. No announcement was made beforehand that Indians will be treated in two ways ; those recruited in England will get the passage and others will not get it. What is the difference between an Indian recruited in London and an Indian recruited in India ? I can cite instances and refresh the memory of my Honourable friend that in my own province people who have been selected for the Indian Civil Service in the London examination have not spent more time in England than those who have appeared in the Indian examination. There is another point. An officer who is appointed in England gets a lesser period of training than an officer who is appointed in India. The result is that of the people who appear simultaneously in two examinations one gets seniority and the other gets pushed back. All these things cannot wait for the indefinite period of five years after the inauguration of the reforms. These are urgent matters which brook no delay. This is not for the Government of India to decide : but for the Secretary of State to be our judge. If the Government of India took the stand of promising to do what it thought necessary we, on this side of the House, would have felt that the Government is not acting as a block in the way of Indianization, and of fulfilling the aspirations of India. I take the strongest exception, Sir, to this attitude of the Government by which instead of facilitating our business they take it upon themselves to save the Secretary of State from the bother of looking into these things, and they take all the odium upon themselves. I would have had very great pleasure in withdrawing the Resolution if the Government had promised to look sympathetically into all the parts of the Resolution and had promised to lay on the table in a year or two a statement of what the Secretary of State has decided on this matter, but on the vague promise that in God's own time everything will be under revision as they are bound to do, I cannot withdraw my Resolution.

Sir, I press the Resolution.

THE HONOURABLE THE PRESIDENT : Resolution moved :

" This Council recommends to the Governor General in Council to move the Secretary of State in Council to reduce the strength of the provincial cadre of the Indian Civil Service from 202·79 per cent. to 160 per cent. of the total number of superior posts for direct recruitment in the provinces, and to remove the discrimination in the overseas pay of the Indians recruited in India and in London and to increase the posts to be ultimately listed to 25 per cent. of the superior posts."

The question is :

" That this Resolution be adopted."

The Council divided :

AYES—7.

Banerjee, The Honourable Mr. Jagadish Chandra.

Dutt, The Honourable Rai Bahadur Promode Chandra.

Gounder, The Honourable Mr. V. C. Vellingiri.

Hossain Imam, The Honourable Mr.

Kalikor, The Honourable Mr. Vinayak Vithal.

Khaparde, The Honourable Mr. G. S.

Naidu, The Honourable Mr. Y. Ranganayakalu.

NOES—32.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.

Bartley, The Honourable Mr. J.

Basu, The Honourable Mr. Bijay Kumar.

Brayshay, The Honourable Mr. M. W.

Charanjit Singh, The Honourable Raja.

Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.

Commander-in-Chief, His Excellency the.

Dain, The Honourable Mr. J. R.

Devadoss, The Honourable Sir David.

Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.

Fraser-Tytler, The Honourable Mr. W. K.

Ghosal, The Honourable Mr. Jyotsnanath.

Ghosh Maulik, The Honourable Mr. Satyendra Chandra.

Graham, The Honourable Major-General J. D.

Habibullah, The Honourable Nawab Khwaja.

Hafeez, The Honourable Khan Bahadur Syed Abdul.

Hallett, The Honourable Mr. M. G.

Henderson, The Honourable Mr. J. S.

Jayarathnam, The Honourable Mr. T. C. S.

Johnson, The Honourable Mr. J. N. G.

Kameshwar Singh, The Honourable Maharajadhiraja Sir, of Darbhanga.

Maqbul Husain, The Honourable Khan Bahadur Sheikh.

Mehr Shah, The Honourable Nawab Sahibzada Sir Sayad Mohamad.

Muhammad Din, The Honourable Khan Bahadur Chaudri.

Noon, The Honourable Nawab Malik Mohammad Hayat Khan.

Pandit, The Honourable Sardar Shri Jagannath Maharaj.

Raghunandan Prasad Singh, The Honourable Raja.

Ray, The Honourable Maharaja Jagadish Nath, of Dinajpur.

Shillidy, The Honourable Mr. J. A.

Stewart, The Honourable Mr. T. A.

Suhrawardy, The Honourable Mr. Mahmood.

Taylor, The Honourable Mr. J. B.

The motion was negatived.

RESOLUTION *RE* TERRORIST PRISONERS IN THE ANDAMANS.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, I wish to move an amended Resolution in place of the original Resolution which stands in my name and have already placed a copy of it on the table. If you will permit me, I will now move the amended Resolution, which is in no way a new Resolution.

THE HONOURABLE THE PRESIDENT : Yes, the Chair allows it.

THE HONOURABLE MR VINAYAK VITHAL KALIKAR: Sir, I beg to move :

“ That this Council recommends to the Governor General in Council that a committee consisting of official and non-official Members of both the Houses of the Indian Legislature be immediately appointed to enquire and report by the end of this year on the following points :

- (a) the deaths of the three political prisoners in the Andamans ;
- (b) the grievances of the Andamans political prisoners who recently went on hunger-strike : and
- (c) the advisability of the re-transfer of the Andamans political prisoners to Indian jails.”

Sir, I submit at the beginning that my Resolution deals with three points and I do not want to pass any judgment on the problems raised in my Resolution in my speech. I keep an open mind on the question. I have intentionally mentioned in my Resolution that a committee should be appointed to enquire into and report on these three points, namely, the deaths of the three political prisoners, the grievances of the Andamans political prisoners and the advisability of the re-transfer of these Andamans political prisoners to Indian jails. Sir, I will state the policy of the Government of India as enunciated up till now by the highest authorities and also the consideration which they gave to the recommendations of the Jails Committee of 1920. I know, Sir, that in the various communiqués issued from time to time regarding the strike in the Andamans and the unfortunate deaths of the three political prisoners it has been stated by Government that the policy of the Government of India has not been to close the penal settlement. Also the answers given in the Lower House to the questions put by Members there clearly show that their policy is altogether different from the policy enunciated long ago by the highest authority—I mean the Home Member of that time, Sir William Vincent. Port Blair was opened in 1858. After that, there were several committees, which enquired into the question of jails, one in 1864, another in 1877, the third in 1888-89, and the last in 1920. The last Committee of 1920 and the Committee of 1889 have practically recommended the closing of the penal settlement of the Andamans on various grounds. I cannot do justice to my case without quoting an extract from the speech of the predecessor of the present Home Member in regard to this question. Sir, on 11th March, 1921, the Honourable Sir William Vincent made a speech in the Assembly on this subject and I will quote from it. He said :

“ I am extremely glad, Sir, that I have been afforded this opportunity of stating the policy of the Government in regard to the Andamans Settlement ”.

He said further on :

“ Before that date, however, we had already come to certain provisional conclusions regarding the Andamans, intending at first to reduce the settlement from its present numbers to a settlement where about 1,500 or 2,000 of the worst criminals only would be detained. We have now after consultation with the Secretary of State decided, subject of course to any advice from this Assembly, because this is a matter on which the influence of the Legislature may very properly be exercised, to abandon the penal settlement altogether. For some years we have had misgivings about this settlement. Although I think some of the statements in the report are over-coloured, at the same time we have

been under misgivings regarding conditions there. It is at a very great distance from the headquarters of Government, and it is impossible for us to control or supervise work effectively, and the settlement is also unamenable to outside influences ”.

Further on he says :

“ All the same, we viewed the information contained in this report with very grave concern, and I am sure this Assembly will support us entirely in the view we are taking, namely, the decision that the time has now come to end this penal settlement altogether ”

About the political prisoners he says :

“ Further, I am glad to say that we have issued orders that all political prisoners shall be immediately returned from the Andamans, that female convicts not married locally shall be returned immediately, and we are taking steps to prevent further criminals being sent to the Andamans in so far as the Local Governments are able to find accommodation for them here ”.

And in the last sentence he says :

“ But I can assure this Assembly that this report has caused us the greatest concern, and we will do everything possible that we can to remedy the defects that have been pointed out, and I hope that in a few years, this blot on the administration may be removed altogether ”.

So, the layman and the public are perfectly entitled to consider that the policy of the Government of India, as declared by Sir William Vincent in his famous speech, was to close the penal settlement altogether. But what do we find ? Political prisoners are sent in large numbers to the Andamans in spite of the agitation against it by the public, and the Government do not take at all into consideration the agitation raised by the public throughout India on this question. As stated by Sir William Vincent, and as stated in the report of the Jails Committee, the reasons for closing the penal settlement altogether and not sending any political prisoners there, are these. The Committee says that transportation no longer produces the terror which it was once supposed to inspire ; it is more expensive to maintain a convict in the Andamans than in an Indian prison ; the removal of the person far from his home and the almost complete severance of all ties with friends and relations is demoralising and undesirable ; difficulty to supply reformatory influence, such as attendance of religious teachers, the provision of education, and the attempts in other ways to fit the prisoner for eventual release ; in the absence of any large free population, there will be no educated public opinion to restrain the prison authorities or to see that the reforms so undoubtedly necessary are properly carried out ; the climatic conditions will always be unfavourable to the health of the convicts drawn as they are from the various parts of India. These are the grounds on which the Committee recommended that the penal settlement ought to be closed altogether, and these grounds found favour with Sir William Vincent and in his speech he practically accepted those grounds.

Now, Sir, I come to the recommendations of the last Committee but one and I find that in 1889, that Committee also had certain misgivings about the Andamans and indirectly they decided that no more prisoners should be sent to the Andamans. The Committee of 1889——

**THE HONOURABLE THE PRESIDENT :** Is it necessary to go into ancient history ?



**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** It is only an argument to show that the action of Government is not only wrong but is against the declared policy of Government. The Committee of 1889 held that the punishment of transportation was not deterrent and prophesied that before long this form of punishment would cease to exist. They said this punishment was decidedly retributive and as such opposed to the fundamental principles of modern penology. So my submission is that in spite of the direct recommendations of the Committee of 1920, and the indirect recommendations of the Committee of 1889 and the policy declared by Sir William Vincent in 1921, the Government of India again opened the question and sent prisoners to the Andamans. We find that the prisoners sent there do not find the climate suitable ; some of them fell ill and others on account of certain grievances went on hunger strike, the result of which was that one prisoner died, admittedly, according to the communiqué, by the shock of forcible feeding and according to the communiqué two other prisoners died from natural causes on account of pneumonia. One thing is very curious, Sir. I have read and re-read the communiqués issued from time to time and also I have considered the answers to the questions put in this House and also in the other Chamber, but I do not understand why the Government of India is reluctant to publish the names of the prisoners who went on hunger strike ? If they had done so the relatives of those who had not gone on hunger strike would have been freed from anxiety, while the relatives of those who had actually gone on hunger strike and other public men would have brought pressure on them to give up the hunger strike. But no, the policy as enunciated in the communiqué and in the answers is not to publish the names. No reason is given. Well, I submit it would be in the interests of Government to give the names, because some names have already appeared in the press and Government have not said that they are not correct. In the *Free Press Journal* of June 16th certain names were published, and if it is not objectionable for me to state those names—

**THE HONOURABLE THE PRESIDENT :** I may inform the Honourable Member that it is not Parliamentary practice to depend on newspaper reports.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I am not depending on it, Sir. I want your ruling. Should I give out the names ? Some names have already appeared. I have definitely asked Government to give me the names but Government have not done so. As some names have appeared in the press should I give out those names ?

**THE HONOURABLE THE PRESIDENT :** I have given the Honourable Member my view. He can exercise his discretion.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I do not say that the names which have appeared in the press are correct. But it was the duty of the Government either to contradict the report and say that those were not the names of the men who went on hunger strike or to give out the names themselves. The names which have appeared in the press are the

following : Niranjan Sen Gupta, Satish Prakash, Sudhashu Das Gupta, Nishi Kanth Chowdhury, Narayan Roy, Bhupal Bose, Batukeshwal Datta and Sushil Das Gupta.

It was further stated—I do not believe these statements, but these are statements which have appeared in the press and Government have not contradicted them—that the prisoners were forcibly fed by Pathan coolies and the result was that they vomited blood.

**THE HONOURABLE SIR HARRY HAIG :** The Honourable Member says that he does not believe this allegation but that it has appeared in the press and Government have not contradicted it and he feels it is necessary to draw the attention of this Council to it. That statement, Sir, has been very emphatically contradicted by the Government.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** The statement about the names has not been.

**THE HONOURABLE SIR HARRY HAIG :** The question of names appears to me to be of very doubtful relevance to this Resolution, which is about the appointment of a committee to deal with particular points. But the allegations about the ill-treatment of these prisoners have been raised in another place and have been very definitely contradicted by me.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I thank the Honourable the Home Member for having given me the information about the ill-treatment. Now, Sir, it is said in the Government communiqué that proper medical treatment was given to these men and that two of the men died from natural causes. My submission is that admittedly according to the Government communiqué there was a hunger strike and officials were busy with that hunger strike and they wanted to put a stop to it. And it is just possible that proper medical treatment could not have been given to those two prisoners who died of pneumonia. One man, Mahabir Singh, who was convicted and sentenced for transportation for life in the Lahore Conspiracy Case died on the 17th May. He started hunger strike on the 12th May. It is admitted that he was a strong man. It is also admitted that at the time of admission and at the time he started the hunger strike when weight was taken he weighed more and still up to the 16th his condition was quite satisfactory and on the 17th when the medical officer decided to give forcible feeding he resisted and he died on account of shock. I submit, Sir, that a strong and healthy man goes on hunger strike for four days and after resisting against forcible feeding he collapses. These things, Sir, do not clearly show that proper medical treatment was given. We have seen people who go on hunger strike surviving for many days, and here what do we find? That a healthy and strong man goes on strike only for four days and he collapses.

**THE HONOURABLE THE PRESIDENT :** I presume that the Honourable Member is basing his statement on newspaper reports?

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I am basing my statement on the communiqué, Sir, and not on the newspaper. Then, Sir, another prisoner, Mani Krishan, died of pneumonia on May 26th. He started hunger strike on the 16th; food was administered to him through the mouth without resistance on the 17th and on the 19th he was admitted to the hospital

[Mr. Vinayak Vithal Kalikar.]

with double pneumonia. This is the statement issued. It is stated that he took whatever was given to him, he gave no trouble and ultimately he died on the 26th. The statement regarding the condition of the prisoners as contained in the communiqué shows that there is some link which we do not find in the communiqué and which cannot explain away the circumstances. Then, Sir, the third man, another prisoner, Mohinder Mohan Mitra, of Bengal dies of double pneumonia on the 20th May. He started hunger strike on the 12th May; on the 19th he developed pneumonia and died on the 20th May. It is possible, Sir, that medical help might have been given. I do not say that no medical help was given and that prisoners were treated brutally, but I submit that the authorities might not have found sufficient time to attend to these patients as carefully owing to hunger strike as they would have attended to them in normal times. Moreover as recommended by the Jail Committee the climatic conditions might not have suited their health and they might have developed the disease. So, my point is that if this committee is appointed they can see all these details with regard to these prisoners and remove natural suspicions about the move of the Government for sending these prisoners to the Andamans. It will enable us to know if the Government was right; if the Government had treated the political prisoners with due care they would be exonerated; if not, at least the Government will be in a position if they want to continue this policy of sending political prisoners to the Andamans to issue instructions to their agents in the Andamans about taking proper care of these political prisoners.

Now, Sir, about the hunger strike. So far as the hunger strike is concerned, Sir, it is admitted that they had certain grievances. It was stated, Sir, in the communiqué as well as in the Lower House in reply to certain questions that their grievances were not taken into consideration because they threatened to strike. My submission is that if their grievances were genuine—and it seems that some of their grievances were genuine because some of the grievances were redressed afterwards by the Government—Government could have taken their grievances into account from the beginning and avoided this difficult hunger strike which caused the death of these three unfortunate prisoners. The grievances of these political prisoners were about proper diet, supply of light, newspapers like the *Statesman*, proper and timely medical aid and correspondence with their relatives and Government. Some of the grievances have been remedied and I therefore submit that Government committed a blunder in not paying attention to the grievances of these political prisoners in the beginning so that this catastrophe could have been easily avoided. Throughout the country, Sir, sympathy is felt for these Andamans prisoners. Public opinion throughout India has condemned the move of the Government in this matter, and mass meetings have been held everywhere and they have passed resolutions of protest and have requested in the resolution to remove these political prisoners from the Andamans to the various jails in India. Recently, Sir, a statement has been issued from Calcutta under the signature of Poet Rabindra Nath Tagore, Acharya Ray, Mrs. Sarojini Naidu, Mrs. C. R. Das, Rev. C. F. Andrews, and others, requesting the Government to have an inquiry into this tragic affair and at the same time requesting them to transfer these political prisoners to jails in India.

My proposition is a very innocent one. As there is a demand for a public inquiry throughout India, as the public has grown suspicious about the action of the Government in this connection, I therefore submit——

THE HONOURABLE THE PRESIDENT: The Honourable Member has already exceeded his time.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: It will take me only three minutes to finish. I therefore submit, Sir, that if a committee of both Houses of the Indian Legislature consisting of officials and non-officials is appointed——

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: The official report is there already.

THE HONOURABLE THE PRESIDENT: Order, order.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: If you like I will answer that question? If a committee is appointed and if they go in detail into all these matters they will be in a position to satisfy public opinion. If the report is in favour of Government the public will be satisfied and the Government will be cleared from any suspicion. I therefore move for the acceptance by the House and the Government of my Resolution. So far as my answer to my friend is concerned, it is a one-sided report. The public want information from their point of view. If the officials are there they will also help the non-officials and therefore the inquiry will be a thorough inquiry.

THE HONOURABLE THE PRESIDENT: We will first get rid of the amendment of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

THE HONOURABLE MR. HOSSAIN IMAM: He is not coming, Sir.

THE HONOURABLE THE PRESIDENT: Sir Harry Haig.

THE HONOURABLE SIR HARRY HAIG (Home Member): Sir, it is a great pleasure to me after a little interval to find myself again in this Honourable Council and to have the opportunity of addressing it, remembering as I do that I had the privilege to be a Member of this Council for four years. It is also a great pleasure to me, Sir, to find myself sitting under the presidency of one who in those days I might claim as my colleague and who is, I think, if not the oldest at any rate one of the oldest Members of this House. I am also glad, Sir, to have had this opportunity of meeting the criticisms that have been made on our policy in regard to the sending of these prisoners to the Andamans, and to meet that criticism in a fuller and more consecutive manner than is possible by means of answers to questions. I am, therefore, to that extent grateful to the Honourable mover of this Resolution. Though it appeared to me that his mind was compounded of sympathy for the prisoners and suspicion of Government, I trust, Sir, that I shall be able to disarm some of his suspicions and perhaps remove some of his sympathy.

Now, Sir, I propose in the first place to deal with the general policy of Government which has resulted in sending these prisoners to the Andamans, and in the first place I notice that in this Resolution the prisoners are described as political prisoners. Now, Sir, I think as a rule in these days when we talk of political prisoners we have in mind mainly those men who following a misguided policy feel that they are in some way advancing the interests of their

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country by disobeying its laws in accordance with the civil disobedience programme, or possibly those who may have utilised the press in order to stir up hatred and contempt of the Government. Well, Sir, no prisoners of this type are in the Andamans nor have the Government the slightest intention of sending prisoners of that type to the Andamans. Let us be quite clear who these prisoners are who are described by my Honourable friend as political prisoners. They are terrorists. They are men who have been found guilty of crimes of violence or intended violence in connection with the terrorist movement. And why were they sent there? A year ago, the Government of Bengal took counsel with the Government of India as to the measures required to deal more effectively with this terrible menace in Bengal. And, Sir, the Government of Bengal regarded it as an essential part of their campaign against terrorism that terrorist prisoners should be removed from Bengal to a place where they could no longer influence the terrorist movement. There is no doubt that as long as those men remained in the jails in Bengal there was not only a serious danger of communication with their fellow conspirators outside but there was undoubted communication. As long as they remained in Bengal the local conditions made them a focus for the encouragement of terrorism. You may say, Sir, that that is a very unfortunate state of affairs. It certainly is. But we have got to face the facts and those facts are to be found not only in Bengal but elsewhere. Only recently in the peaceful Presidency of Madras, a dangerous revolutionary conspiracy has appeared. And that conspiracy, Sir, has been traced in its origin to the Bengal terrorist prisoners who were confined in the jails of Madras. It was absolutely necessary, Sir, that these terrorist prisoners should be isolated. There was also the danger of escape, not negligible, and their presence in the jails in Bengal had a very deplorable effect on discipline. That explains, Sir, who these prisoners are and why they were sent to the Andamans.

But I wish to deal now with the general policy of the Andamans Settlement for it is a point on which the Honourable mover dwelt and I have noticed that it has been raised in the public press a good deal lately. A respected newspaper of Upper India has been, I think I may say, exciting itself a good deal lately on this subject and only recently it wrote an article which ended up by accusing Government of committing a flagrant breach of a solemn assurance in maintaining the penal settlement at the Andamans, and in that article I found what I do not ordinarily expect to find in that newspaper, a plain misstatement of fact, for it started by saying that I had denied that the Government had ever decided to close the penal settlement in the Andamans. I never made any such assertion, Sir. What I said was that the penal settlement had not been closed and the cellular jail had never been closed, and these statements are perfectly accurate. But let me remind the House of what in fact did happen. In March, 1921, after the report of the Indian Jails Committee, the Government announced their decision to abandon the Andamans as a penal settlement. Having announced their decision, Sir, they set about seeing how they could give effect to it and within a year they discovered that in fact it was not possible to give effect to it within any time that could reasonably be foreseen. In January, 1922, less than a year after the original announcement, it was found that not only was it not practicable to repatriate those prisoners who were already in the Andamans, but that it was necessary to

re-open the transportation of new prisoners. The reason was that the jails in India were seriously over-crowded and that it was quite impossible to accommodate the prisoners without keeping a suitable number in the Andamans. Some years later, Sir, the system of transporting prisoners from certain provinces was changed and transportation was placed on a voluntary basis, and on that basis has continued since. In that connection, Sir, it seems to me strange that a sufficient number of prisoners for a good many years past have been found to volunteer from the ordinary jails to go to a place which I have noticed in this recent agitation described as a "hell upon earth". I think, Sir, sometimes facts contradict phrases and I would ask the House to remember whenever they hear that description of "hell upon earth" that a number of prisoners from the Indian jails continually volunteer to go to the Andamans. Another point, Sir, which I would ask the House to appreciate is that the total number of prisoners in the Andamans at the present moment is 6,537. The number of terrorist prisoners is 112, at least it was until recently, when another batch has just been sent. Well, Sir, this agitation, I understand, is about those 112. Why have we heard for so many years nothing about the six or seven thousand ordinary prisoners? I hope it is not, Sir, because they are not terrorists. When it became apparent that in fact it was impossible to give up the Andamans penal settlement, vigorous efforts were made to remedy the conditions described in the Jails Committee Report. An active policy of improvement and development was initiated. My former Chief, the late Sir Alexander Muddiman, who was at one time President of this Council—in fact I think he was the first President—himself as Home Member visited the Andamans in 1925, and as a result of his visit he became an enthusiastic advocate of this policy of improving and developing the Andamans. Since that time conditions have been transformed, particularly health conditions. At the time of the Indian Jails Committee the main trouble was that malaria was very prevalent. Now, Sir, since that time, we have reclaimed the malaria swamps at a total cost of Rs. 23 lakhs, and the result on the health of the Andamans has been very remarkable. I do not think it is necessary to go into the other conditions of the convict settlers in the Andamans though these also have been very largely changed since the time of the Indian Jails Committee Report, because the prisoners with whom we are dealing now are not sent out into the settlement after a certain period as other prisoners are. They are quite definitely kept in the cellular jail just as if they were in a jail in India. Now, when it was decided that steps must be taken to remove these prisoners to a place where their activities could no longer encourage terrorism, the place obviously suitable for this purpose was the Andamans. We had to have a place that was sufficiently remote to prevent communications, and there was in existence in the Andamans a particularly suitable jail. We have heard in some of these meetings of agitation a great deal about the cellular jail. In a meeting in Bombay it was, I think, described as unfit for human habitation. Well, Sir, I only wish that the Honourable Members of this Council had been able, as I have, to see photographs of that cellular jail. It is a well-built and scientifically planned jail, which was completed only in the year 1910, a fine three-storied building standing on a bold promontory close to the sea, about 100 feet above it, the kind of site which in Bombay, I imagine would be monopolised by merchant princes. And yet, some imaginative gentlemen in Bombay declared that this jail is unfit

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for human habitation. The sanitary conditions, I am assured, are fully up to the standard of those of the ordinary Indian jail.

I come now, Sir, to the hunger-strike and the deaths of the prisoners which we greatly regret. I do not think that there is anything more on the facts to be added to what has already appeared in the communiqués except this point, on which the Honourable Member threw some suspicion, that in fact these prisoners did receive every kind of attention from the medical staff. As the House is aware, after these deaths had occurred we asked the Punjab Government if they would lend us the services of Lieutenant-Colonel Barker, their Inspector General of Prisons, an officer who, not only from the position he occupied was eminently fitted for this mission, but who had in the course of his administration in the Punjab had to deal not infrequently with hunger-strikes and had the further advantage of having himself been Senior Medical Officer of the Andamans for several years. Well, Sir, I should like to say how much the Government of India appreciated the readiness with which the Punjab Government surrendered at once their Inspector General of Prisons and how Colonel Barker at about two days' notice readily undertook this troublesome and long journey through the monsoon to the Andamans. He went there, Sir, to consult with the Chief Commissioner regarding the medical arrangements, and his report of the conditions and the medical arrangements there was eminently satisfactory. He informed the Government of India on his return that there had been humane treatment of the hunger-strikers as offenders and sympathetic and skilful treatment of them as sick patients. That was the considered opinion, Sir, of Lieutenant-Colonel Barker and I would like to pay a tribute to the work of the staff and the medical staff in particular at this time, remembering that at one time there were no less than 58 terrorist prisoners on strike. The feeding of them, and the treatment, put a great strain on the staff, but they responded to that strain in a marvellous way and Colonel Barker was fully satisfied that the treatment was admirable.

Now, Sir, there is one other point which I noticed mentioned in that manifesto referred to by my Honourable friend which was put out recently in Calcutta. They said that an impression prevailed that the hunger-strike had been given up on terms. There is absolutely no foundation for that story, Sir. The hunger-strike was given up unconditionally, and I may inform the House that those who took part in it were as a punishment for this breach of discipline deprived of certain privileges for a period of two months. The privileges were restored at the end of August after the two months had expired. So I hope we shall hear nothing more about the hunger-strike having been given up on conditions.

About the grievances there was nothing in the grievances alleged that would justify a hunger-strike. Nevertheless, those grievances were originally put forward under threat of hunger-strike. No jail administration, Sir, could be expected to concede demands put forward under such a threat unless they were prepared to surrender their control over the prisoners. But once discipline was restored, at the end of the hunger-strike, and the prisoners fully understood that they could not impose their will on their jailors, the Chief Commissioner looked into the complaints in a sympathetic spirit and agreed to

certain changes. The prisoners get I think a few more newspapers, some more interviews and arrangements are made for the C class prisoners to be able to read at night. I hope, Sir, that that sympathetic treatment of these prisoners will not be made a ground for complaint against us.

Now, Sir, I hope I have made my points plain. The hunger-strike was humanely and skilfully handled. The conditions in the Andamans Settlement as a whole and in the cellular jail in particular are healthy, as healthy as one expects in an ordinary province in India (I am told that the climate of the Andamans is very similar to the climate of Bengal), and there are no reasonable grievances. I have also explained that the policy of sending these terrorist prisoners to the Andamans is an essential part of our campaign against terrorism. I should like to make it plain that Government have no intention of being deflected from their policy in regard to this terrorist menace either by hunger-strikes of prisoners or by resolutions and manifestos based on misunderstandings and misrepresentations. We have recently, Sir, had a tragic reminder that terrorism is still active, continually plotting in secret and watching its opportunity to deal the stealthy blow of the assassin. This Council and the other Chamber of the Indian Legislature have given expression to their horror at the murder of Mr. Burge and have thus faithfully interpreted what I believe to be the general conscience of India. Nevertheless these assassinations go on and in spite of the resolute and unremitting action of Government we cannot expect altogether to eliminate them until there is a continuous and active public opinion working against terrorism. The task of building up such a public opinion must I admit be a slow one, but it will inevitably be retarded if contrary influences are at work. In the past there has been not only to a large extent public apathy, but there has been public sympathy, and it is on that sympathy that the terrorist movement has flourished. It was only two-and-a-half years ago that the Indian National Congress passed a resolution which, while professing to disapprove of political violence, recorded its admiration of the bravery and sacrifice of three political murderers who had carried out the assassination of a young police officer in circumstances not unlike those of the recent assassination of Mr. Burge, and expressed its indignation at these three murderers being made to pay the penalty of their crime. That resolution was the signal for an outburst of sympathy with and eulogy of assassins, while the tale of terrorist murders steadily mounted. Conditions now are happily far different to those of the dark days of 1931, but I cannot forget that that resolution about Bhagat Singh and his companions, which acted as such a powerful encouragement to the spirit of terrorism, was drafted by Mr. Gandhi and sponsored by Pandit Jawahir Lal Nehru. I hope the spirit of that resolution is now dead and I should not have thought it necessary to refer to it at the present time had it not been for two recent facts. The first is that Mr. Gandhi alone as far as I have observed among Indian public men thought fit, while deploring the murder of Mr. Burge, to explain that what he called the wrongs committed by the Government led to the commission of these crimes, and it is a short step, as bitter experience has shown us in the past, from such explanations of the causes of murder to sympathy with the murderers. The other fact is that one of the first public acts of Pandit Jawahir Lal Nehru after his recent release from prison was to include his name among a list of miscellaneous signatures to a manifesto



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which, whatever may have been its primary object, must have the effect of keeping alive the feeling of sympathy for the terrorist prisoners in the Andamans. I hope that what I have said today will show the House clearly that there is no occasion for sympathy with these men merely as prisoners, and if that is so, let there be no sympathy for them as terrorists, or any attempt to cloak their real character by describing them under the respectable euphemism of political prisoners. I trust, Sir, that in view of my full explanation of the real facts the Honourable mover will not feel it necessary to proceed with his Resolution and will agree to withdraw it. (Applause.)

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

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The Council reassembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

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THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhamnadan) : Sir, first of all I wish to congratulate the Honourable the Home Member on his excellent speech which he has delivered today on the floor of this House. I think he has spoken very eloquently on all the points and his speech was very convincing and I congratulate him.

Now, Sir, I wish to say a few words on the Resolution of my Honourable friend Mr. Kalikar. This question, with its attendant incidence and implications, is one which should better be viewed from a different angle of vision, that is to say, the Honourable mover should have placed himself in the position of the Government before tabling the Resolution. To put it in a more denuded form. Can any of my Honourable friends deny the tremendous amount of destruction and ruination that the civil disobedience movement has brought to the country ? Is it not a universally admitted fact that the " terrorist movement " has been responsible for the irreparable losses of many precious lives of British administrators ? Can any one of you with one iota of justice deny the lenity of the British rule ? Have you grown oblivious of the methods of administration of the Moghuls in India ? And don't you today see with what an iron hand rulers in all the countries are reigning ? The ruthless suppression of Communists in Germany, Persia and Turkey ; the general hunt of the Blue Shirts in Ireland, the indiscriminate massacres of the Chinese by Japan, all serve as a striking contrast with the administration of the British in India. The British Government in India have meted out the mildest possible treatment to these political prisoners. Did not the Indian police display the highest acme of patience and tolerance during the most critical junctures ? Any other country with the same treasonable movements would have by now been converted into a shambles.

Then, Sir, not by any stretch of imagination can I seek even a remote possibility of creating a *casus belli* to support the motion of my Honourable friend. On the contrary, I record my opposition to the motion under discussion.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I wish to say a few words about the medical aspects of the question of hunger strike and pneumonia alleged to follow upon forced feeding among the prisoners in the Andamans.

It is however hazardous for the lay press and laymen to criticise the method of treatment adopted in such cases. If that is once tolerated there would be no finality. What is the mentality of a man who has been committed for a terrorist crime? What thoughts come to him after he goes to the Andamans? I believe the original depravity passes away. If he comes of a good family, is educated and well nurtured, he deplores his position. He does not know how to get out of it. He should have read a good deal, I presume, of hunger strike and neglected serious disease. He thus considers that the easiest way of escape from his deplorable position would be to go on hunger strike and die so that he would be extolled as a martyr! That is, Sir, the mentality of such persons. Now, there is no crime in saving the life of a man who desires to sacrifice his life, whatever his motives may be, and artificial feeding, mis-called forced feeding, is the only remedy. This method is in no way injurious to a person. It is applied even in the most serious cases of illness and does not inflict pain or much inconvenience on the patient, so long as he does not resist or struggle. He is simply held down. If he struggles violently and for a long time he may die of heart failure if his heart is diseased. That however depends upon his constitution and is not the consequence of the treatment adopted to save life.

THE HONOURABLE THE PRESIDENT: Order, order. I would like the Honourable Member to confine himself to the Resolution before us. We are not concerned with the medical aspects of the subject.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Sir, with regard to pneumonia I know from my experience as a non-official visitor of prisons that very often it is the practice of prisoners not to complain and ask for medical help in order that they thus end their life. However, it is quite possible that in some of the cases of pneumonia this may have happened inasmuch as often pneumonia begins very insidiously and the patient may or may not look seriously ill.

That, Sir, is all I have to say on this Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhamadan): Sir, I had no intention of discussing the subject-matter in the Resolution so very ably moved by my Honourable friend, Mr. Kalikar, at this stage when some important pronouncement was made by my friend the Home Member this morning, and besides several questions were asked by non-official Members of this side of the House. But one point which is hovering in my mind is that in view of the representation submitted very lately by eminent people of India like Dr. Rabindranath Tagore, Sir P. C. Roy, Ramananda Chatterji, Mrs. Sarojini Naidu and others and which appeared in the *Hindustan Times* it will be very graceful indeed on the part of Government to make a sifting inquiry into the actual state of affairs and satisfy the curiosity of the public. Another point about the causes or otherwise of the death of those unfortunate prisoners in the Andamans cellular jail under tragic circumstances, I venture to submit that could anybody in this world have ever ascertained the cause of death? They died because they did not care to live; they are now free.

Sir, even if a committee be appointed as proposed by my friend what will they say? They will submit their stereotyped statement. Some will say

[Mr. Jagadish Chandra Banerjee.]

they died of pneumonia and others will say of various other causes. To many questions, Sir, asked by me the other day, my friend the Honourable Mr. Hallett, the Home Secretary, has given clear-cut replies that Government are not prepared to make any inquiries nor to publish the medical report even. Under the circumstances, what can we do? Let us submit to the Divine Will. Let us forgive and forget. Sir, I do not venture to give any advice to my friend the mover of the Resolution nor the Government but I should like to ask my friend to remember the well-known passage in "The Psalm of Life", which we have read in our early days "Let the dead past bury its dead". Sir, my Honourable friend has also forgotten the well-known adage in the *Gita* when Arjuna was fighting shy of a religious war seeing so many of his kith and kin who were destined to be slain Lord Krishna advised Arjuna, "It is not you who is fighting; it is I, and you are only a means to an end."

THE HONOURABLE MR. BIJAY KUMAR BASU: We are having a discourse on Vedanta!

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE — "when religion is at stake and when society is in a state of disruption it is I, the saviour of the good and the destructor of the evil who will stand supreme as an incarnation for ever".

Sir, one word about hunger strike and I have done. I am at my wit's end to know what benefit this process will bring about in the country. It seems to me like child's play. Give the child a doll and the child will not cry. Make me the ruler of the universe; otherwise I shall fast unto death. An absurd proposition.

That is all, Sir, I have to say with regard to this Resolution.

\*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, the Honourable the Home Member must have found the atmosphere of this House better than that of the other place where he does not have such an easy time. I for my part do not see anything incompatible between the feeling as voiced in the Resolution and the duty as constitutional advisers of His Majesty on matters affecting India. The Honourable the Home Member has told us in so many words that the prisoners who are interned in the Andamans are not concerned with the civil disobedience movement. Nevertheless, some of the supporters of Government in this House have given a good lecture on the civil disobedience movement. Be that as it may, the Honourable the Home Member ought to have enlightened us about these 112 terrorist prisoners who have been sent there, as to what was their crime, for what term of imprisonment they have been sentenced, whether they were sentenced under the ordinary laws of the land or under the Ordinances that have been passed in Bengal and in the Centre. Had the Honourable Member given us all this information we would have been in a better position to judge whether we should have any sympathy for these people and whether they have been definitely held by a judicial tribunal to be guilty or whether they are merely suspects. English law, Sir, makes a great distinction between a man

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\* Speech not corrected by the Honourable Member.

who is accused of an offence and a man who is convicted of an offence under the ordinary law. The Honourable the Home Member cited to us the example of the criminals who voluntarily choose to go to the Andamans and he stated that nearly 6,000 people were in the Andamans and no one had raised a hue and cry, and asked why people are making this hue and cry over these 112 prisoners. The reason is that those are criminals and there is absolutely no sympathy for them. But as far as these people are concerned, it was not generally known what sort of prisoners they were. It was thought they might be of the same type as the detenus of Bengal or they might be civil disobedience prisoners. I may say that the information which Government has given us will materially allay the suspicions that were in our mind. There is one thing which I cannot understand. Government say that whatever they have done has been done rightly. There is a saying amongst us : " When you have got a good account, you do not fear ". The Resolution purposely does not lay down any specific procedure for the enquiry by this committee. Government has got in both the Houses a sufficient number of educated people in whom they have got full confidence, and who enjoy their confidence better than even the officials. Even if a committee of three persons is appointed to go into the matter, it would not so much put the Government out of its usual course. Then we would have understood the Government's assurance that they are not afraid of an exposure of their actions. The only charge that can be made is that the committee will be expensive, and that it will be a waste of money. Sir, you must take note of the fact that if a committee is appointed and if it goes over there and makes an enquiry it may bring forward proposals which may have the effect of curtailing expenses.

As regards the jail, the Honourable the Home Member said that it was built only so recently as 1910, that it is located at a very good elevation just overlooking the sea. But it was not only about the location of the jail that people complained. They complained about the insanitary condition of the jail also about which the Honourable Member said only a few words, that they were not worse than those of the Indian jails. The rumour is that these prisoners first wanted to send their grievances to the Government, and because of the fact that those grievances were not forwarded to the highest authorities they resorted to hunger strike. They did not start the hunger strike ; rather it was resorted to as a means of forcing the hands of the local officials to bring the matter to the notice of the Government, because they relied on the Honourable the Home Member not to be as unreasonable as the local officials.

Sir, if the Government are not prepared to accept the Resolution in the form in which it has been moved, we would at least like them to tell us whether they are prepared to do anything to prevent occurrences of this nature taking place in future ? That will be some assurance on which we might think of withdrawing the Resolution.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Sir, at the outset let me thank the Honourable the Home Member for coming

3 P.M. to this House and explaining the position of the Government with regard to this important question. The purport of the statement that he made on behalf of Government regarding these terrorist prisoners is that the Government of Bengal wanted these prisoners to be removed to a far-off place with a view to minimise the chances of escape as also

[Mr. Vinayak Vithal Kalikar.]

communication from these prisoners to other prisoners and therefore they were removed to the Andamans. To this my answer is that if the Government were to take into consideration specially the recommendations made by one member of the Jails Committee, the Dorai Raja of Pudukottah, the Government of Bengal and the Government of India should find no difficulty in dealing with these prisoners in Indian jails. He said :

"The first argument assumes that in India it is not possible to prevent escapes of some of these prisoners and displays want of trust in the jail staffs. If, however, our recommendations as to improvement in the jail staff are acted upon I feel confident that the Government will be able to secure so trustworthy, efficient and competent a staff that an Indian prison will be as secure as the Andaman Islands".

Now, Sir, a word about terrorist activity. I fully agree with the Honourable the Home Member that this terrorism must be stamped out of this unfortunate country. I know that it is a canker which is eating into the very vitals of the body politic of India. I at the same time submit that it is the duty of the Government as well as of the public to impress upon the minds of these young men who have gone astray not to commit these dastardly attacks. But the question is one of giving them humane treatment as they have not received capital punishment for their offence. I have listened with great attention to the statement made on behalf of Government that the unhealthy swamps have been reclaimed at the cost of some lakhs of rupees, and that, as stated in a newspaper, a hell on earth has been transformed into a paradise by the expenditure of a few lakhs on it. I am glad to know it. I am also glad to know that there are certain prisoners who willingly go to the Andamans and who are willing to stay there permanently. Well, public opinion doubts this statement. Public opinion in India assumes that Government compels certain prisoners to go there and they do not go voluntarily. I do not attach much importance to that opinion and accept the statement made by the Honourable the Home Member as correct. But if these people go there willingly and if terrorist prisoners are required to be sent there for administrative purposes, I only request Government that in order to exonerate themselves from the charges levelled against them they should agree to appoint a committee as I have suggested, so that their case and the case of the prisoners, if really they have any grievances, will be before that committee, who will examine the charges and grievances and record their judgment, and that will to a great extent allay the suspicion in the public mind. I do not at all applaud the action of the terrorist prisoners in starting a hunger strike. But as my friend Mr. Hossain Imam just said representations about their grievances were made by them and they were not allowed to be forwarded to the Chief Commissioner or to the Government of India. That is the suggestion. If that is true, then the worst course for them to adopt was to go on hunger strike. I admit that. I know my word will not reach those terrorist prisoners, but I do not want them to go on hunger strike. I want them to represent their grievances through the proper channel. But there is the question as to why they became so desperate. Was it due to their representation not being forwarded? I therefore submit that the conduct of the officers connected with the management of the Andamans also will come under that inquiry. I therefore move for the acceptance of my Resolution by Government.

**THE HONOURABLE SIR HARRY HAIG :** Sir, I hope I shall not detain the Council long on this occasion. My Honourable friend Mr. Hossain Imam inquired who these criminals were and for what offences they had been sentenced. I am afraid I cannot give him full details but I can assure him that they have all been sentenced by duly constituted courts for offences in connection with the terrorist movement. As my Honourable friend is probably aware, many of these men charged with serious offences are tried in Bengal under a special procedure by Commissioners appointed under the Bengal Criminal Law Amendment Act. But these Tribunals are most essentially judicial tribunals and their sentences are, I think, I am correct in saying, subject to appeal to the High Court. I do not think my Honourable friend need be afraid that any of these people have been unjustly convicted or have not had a fair and full trial, and I need hardly say that there are no detenus in the Andamans.

Now, Sir, my Honourable friend the mover I was very glad to find agrees entirely with me that terrorism is a canker which is a very serious danger to the future of the country and that we should all do what we can to try and eradicate it. I am glad also to find myself in agreement with the Honourable Mr. Kalikar when he says that these men having committed their crimes, having been convicted, should receive in jail humane treatment. We wish that they should receive humane treatment and that is why after the conclusion of the hunger strike we did go into the question of the treatment very carefully with the Chief Commissioner and we did not fail to recognise that these are educated men and that therefore they may require certain special treatment which is not extended to the ordinary prisoner.

That is why we have given them rather exceptional facilities in regard to the supply of newspapers, and that we have allowed even C class prisoners facilities for reading at night. I think my Honourable friend may rest assured that we desire to treat these people in a humane way and as human beings and the last thing we wish is that they should go on hunger strike again. I would emphasise this point that nothing is more calculated to induce them to go on hungerstrike than if they think that their last hunger strike has aroused the sympathy of the country, and those who wish this hunger strike not to recur will I am sure make their attitude in that respect perfectly clear. I would again invite my Honourable friend in view of what I have said not to press this Resolution.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** In view of the statement of the Honourable the Home Member, I withdraw the Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### RESOLUTION *RE* NEED FOR A FURTHER ENQUIRY INTO THE PHARMACEUTICAL ACTION AND PRODUCTION OF THE STANDARDISED ALKALOIDS OF CINCHONA, *i.e.*, TOTAQUINA.

**THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY** (Bombay : Nominated Non-Official) : Sir, the Resolution that I have the honour to move reads thus :

"This Council recommends to the Governor General in Council to institute an enquiry into the feasibility of the cultivation of that particular species of the cinchona

\* *Vide* page 244, *ante*.

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

tree that yields alkaloids of a stable composition—called *totaquina*—for the treatment of malaria, as introduced by the Hygiene Commission of the League of Nations and included in the British Pharmacopœia”.

Sir, the Resolution that I have the honour to move embraces a triple tragedy: firstly, the tragedy of the masses who suffer and succumb to the ravages of malaria; secondly, the tragedy of the large stocks of quinine that Government cannot dispose of; and, thirdly, the tragedy of the quinine policy of Government.

As regards the masses, malaria is almost universally prevalent throughout the greater part of India. The exact morbidity or sick rate cannot be estimated inasmuch as barely 16 per cent. of sufferers seek medical aid at hospitals and dispensaries. Their rate of admission varies from 6·8 per cent. in Madras to 26·5 per cent. in Bengal. It has been equally difficult to find out the total mortality. A recent Report of the Public Health Commissioner with the Government of India states that 58 out of every 100 deaths are ascribed to “fevers”. The probability is, says Colonel Chopra, that about half that number is due to malaria. Thus one out of every 3·5 deaths in India may fairly be assigned to this cause alone.

The Health Organisation of the League of Nations obtained statistics from several countries comprising a population of 1,590 millions. The rate of malarial infection varied from 10 to 58·9 per cent. in those under hospital treatment. The annual number of cases was estimated at 17 millions, to which India and Ceylon contributed 16 millions. The Organisation, however, is of the opinion that the number of sufferers in India is almost ten times as many (*i.e.*, 100,000,000). This may be an arbitrary estimate but not in certain districts, says the Public Health Commissioner. Malaria, it has to be noted, is an affection that does not kill at the first attack, except in the most malignant type. It is, however, the recurrent attacks in untreated or partially treated cases, that sap the vitality of the masses, undermine their constitution, reduce their physical stamina and create in them a state of chronic debility that prevents the full economic value of the peasantry and industrial workers. Productivity of the soil thus becomes greatly reduced, and economic distress, poverty, disease and death follow in its wake. Apart from that, they fall an easy prey to other diseases and die. As the cause of death is registered for the final illness alone, the underlying cause—malaria—becomes entirely masked. They also produce a debilitated progeny that increases the infantile mortality rate. Colonel Chopra has estimated the annual economic loss to the country at about Rs. 33 crores. Is it difficult to conceive how greatly India would benefit, if even half of this stupendous loss were to be saved by providing free distribution of quinine, or sold at least at a lower price, or of a suitable and cheaper remedy than quinine? The masses cannot afford to buy it at the rate of Rs. 18 per pound. And, therefore, the greatest tragedy is that the consumption of quinine in the most highly infected districts is the lowest owing to their poverty. This, indeed, is a most unsatisfactory position. As Mr. Calder very aptly says in this regard, “Quinine is a rich man’s remedy, while malaria is a poor man’s heritage”. A sad and deplorable heritage indeed! It behoves the Legislature, therefore, to take immediate action in

order to save the millions whose premature debility and death entail this enormous loss to the country.

In spite, however, of the gravity of this problem, the tragedy of the accumulation of stocks of Government quinine is distressing. The stocks cannot be released as the masses cannot buy them, nor can they be distributed free on account of the loss to Government. Over 400,000 of pounds were reported to be in stock in 1930. This stock has probably increased by now.

Let us now glance at what occurs in other civilised countries. The average consumption of quinine per head in Greece is 24 grains; in Italy, 16 grains; and in India but  $3\frac{1}{2}$  grains! As only half of Italy is infected, about 200,000 cases are treated annually. Government, however, distributes free about 20 tons of quinine and seven tons are sold at reduced rates. Italian peasantry also, it appears, are too poor to buy quinine. Italy has to import quinine as well, but has taken timely measures to make itself self-supporting in this regard. It will have 860 tons of quinine by 1936, a quantity more than sufficient for the national quinine requirements, says the *British Medical Journal*. On the other hand, while the approximate requirements of India are about 600 tons, it consumes only 96 tons, and the quantity of quinine and cinchona febrifuge distributed free is about 16 tons! Such indeed is the humiliating and glaring contrast between Italy and India, both largely agricultural countries.

India cannot compete with Java as it produces nine-tenths of the world supply and fixes the rate. India could also be made self-supporting, if not in producing quinine, at least in supplying a cheaper and equally efficacious remedy for all its needs.

Coming now to the third tragedy of the Government's quinine policy, it is immaterial at this date to enquire whether the cultivation of the cinchona plant was originally inspired on humanitarian grounds or for revenue purposes. The policy, is, however, not benefiting the country in any way as large stocks of the bark and quinine, of the estimated value of about Rs. 50 lakhs, have been accumulating.

The situation may be summed up as under when contrasted with Italy :

			Italy.	India.
Malaria infected persons	..	..	200,000	50,000,000
			Tons.	Tons.
Free distribution of quinine	..	..	20	16
Distribution at reduced rates	..	..	7	?

Sir, Honourable Members will thus see that the above figures are all the more tragic, having regard to the fact that Government possess and are hoarding an enormous quantity of quinine that entails loss through deterioration and cost of storage. It does good to none. There is not the slightest doubt that people would eagerly buy quinine if they could afford it, rather than go on suffering and succumbing to the ravages of malaria. What then should be the remedy?

(1) I beg to submit that a larger quantity should be released for free distribution through a proper agency.



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(2) The scheme for popularising the use of quinine, and at the same time combining sound business with philanthropy, devised over two years ago by the able and energetic Director General of the Indian Medical Service, whose great interest relating to Public Health matters is but too well known, should be immediately adopted. It consists in the wide sale of glass tubes containing 20 and 12, four-grain tablets, put up with attractive labels at annas four and two, respectively. He has further suggested extensive propaganda by posters and leaflets distributed throughout the country. Government would not have to bear any loss, as they would recover at least Rs. 12 per pound. Apart, however, from business agencies necessary for the sale of the tablets, I am of the opinion that the best distributors would be the village headmen, if a small commission were offered to them. It would thus be to their interest to popularise the sale.

(3) The scope of the inquiry that I have submitted should be widened, and in addition to the feasibility of the manufacture of totaquina from certain species of the cinchona plant, it should embrace investigation into the cost of its production and relative efficacy in treatment as compared with quinine. Government would thus have full data in their possession, and could formulate a policy for a standard treatment of malarial throughout India. Pending the completion of this enquiry, however, Government should release enough quinine to the extent of at least Rs. 5 to Rs. 10 lakhs for free distribution. This is not likely to entail any further loss, as it would be recouped from the greatly increased productivity of the people, adding to the resources of Government. A definite policy would thus be evolved, instead of the haphazard methods hitherto adopted that have benefited nobody.

It would be interesting to note in this connection that the Royal Commission on Agriculture has recommended the creation of a Cinchona Department under the Government of India in order to promote the increased production of quinine at a cheap rate.

Sir, India is on the eve of vast constitutional changes. Those changes will require greater resources. We have been told, for instance, that Rs. 10 crores will be necessary before responsibility at the Centre can be implemented; that the Princes will not federate unless equilibrium has been established in the Central Government; that the 11 autonomous States will remain in deficit for a considerable time; and that the Central Government will not be in a position to help them, nor would retrenchment go far to remedy this defect. How are these huge deficits then to be met? The one and only way is to increase the productive capacity of the masses, by freeing them from ill-health, disease and death from malaria. India has budgetted this year for Rs. 46·20 crores for its Defence Services. It has, however, been undergoing a preventible economic loss through ill-health and poverty of its masses to the extent of Rs. 33 crores annually. The Defence Services are equipped with necessary armaments and appliances to fight the enemy. Why then the sanitarian—the life saver—should be denied his armament of a suitable remedy to protect and preserve the people against malaria that is not an occasional but an ever present foe in our midst?

Sir, naught will avail, no constitutional advance will avail, so long as the masses are unable to put forth their full energies in order to furnish their quota of the requisite resources. Let Government spend even Rs. 10 or Rs. 20 lakhs a year to rehabilitate and recondition them and save them by the free or cheap distribution of a remedy against malaria. It will not be too high a price to pay. The immediate results will not take long to show in the ultimate prosperity and contentment of the people and immense benefit to Government revenues.

Sir, I move.

THE HONOURABLE MAJOR-GENERAL J. D. GRAHAM (Government of India : Nominated Official) : Sir, I think we have to thank the Honourable mover of this Resolution for having given this very important matter all the publicity which it deserves. The subject is one which has very great ramifications and it has not had perhaps the publicity which it ought to have, so that I thank the Honourable mover for having brought it forward in the way he has. He has, however, departed from the substance of the Resolution very materially in the address which he has given us and he has widened the issues for consideration very materially. I propose, however, to limit my remarks to the question which he has raised in the Resolution, namely, the question of the need for a further inquiry into the pharmaceutical action and production of the standardised alkaloids of cinchona, i.e., *totaquina*. Now, this is a highly technical subject and I ask the House to bear with me in one or two technical details which are necessary before a proper appreciation of this question can be arrived at.

The League of Nations established a Malarial Commission in 1924 and this Malarial Commission of which I have the honour to be a member, as also has the Director of the Malarial Survey of India, this Malarial Commission has been studying the question of the action of these alkaloids of cinchona since 1925. As a result of this prolonged study on the part of experts from all over the world, in 1931 they came to the conclusion that certain of the by-products which in certain countries were being sold as febrifuges and were by-products in the manufacture of quinine should be graded up to form a standardised product. These by-products were called in India *cinchona febrifuge*. In the manufacture of quinine from the bark, the alkaloid quinine which is one of the four chief alkaloids is taken out. The other three alkaloids are in the remainder which is sold as "*cinchona febrifuge*" at a very small cost, and at probably one-fourth the cost of quinine. Now we use up a large proportion of this febrifuge in India in the same way as some other countries do. All the Malarial Commission of the League has done in this matter is to grade up this by-product by adding additional proportions of the alkaloids so as to make the product of a fixed standardised composition. This they call *totaquina*, because it contains the total alkaloids of *quinetum* or cinchona. Now, it is fairly obvious that this *totaquina* does not come from one particular tree though we know that certain of our barks produce more of these alkaloids than others. In the past, it has been our policy in India to concentrate on the production of quinine and for that particular purpose we require to cultivate the particular tree which gives the largest quantity of the alkaloid quinine. Now, any proposal which is calculated to alter this policy by

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substituting another species of cinchona than that which is now cultivated would obviously require very careful consideration because the bark takes a long time to mature—it takes seven years. So that naturally the League Malarial Commission in putting this substance—*totaquina*—forward expected that the matter would receive the careful consideration of Governments and that no changes of any consequence could occur for a considerable time. Now what has the Malaria Commission of the League done in regard to this ? After it published the facts connected with this *totaquina*, the League then circularised all Governments in regard to its composition and one or two other matters. They gave its composition. They asked that this new standard preparation should be brought to the notice of the interested Governments. They asked that in those Governments where cinchona febrifuge was manufactured or used, the competent authority should bring this product as now manufactured up to the *totaquina* standard. They also asked that in malarial tropical countries where the cost of imported drugs might prohibit their use, Government might examine the expediency of cultivating cinchona species for local use as total alkaloids of cinchona (*totaquina*), or for chemical or galenical preparations of the bark. Now this statement was circulated to our Provincial Governments who were concerned with the production of quinine, namely, Madras and Bengal, and at the present moment we have on record statements from the Directors of cinchona production, both in Bengal and Madras. Madras has got into its stride ; it has already produced this substance *totaquina* and has provided samples which have gone to Geneva for trials or tests in Europe. It is proposed that it should give samples to the Director of the Malarial Survey in India to enable similar tests to be carried out in India. The Bengal Government factory has not yet produced this *totaquina* so far as I know ; but the whole of the details are with them and I understand they are prepared to do so. This, you see, at once opens a way of production of *totaquina* quite independent of altering the policy in regard to the bark. In other words, we can keep our cinchona policy as it stands at the present moment. We can grade up our febrifuge to the *totaquina* standard without necessarily altering our policy with regard to the growing of a particular kind of bark as has been advocated by the Honourable the mover.

That, Sir, is a very great point in regard to this question because the little delay which may ensue before we reach certain conclusions will enable us to await those conclusions with a greater degree of certainty. We should then hope to be on sound ground when we make our final recommendations. Certain tests have been done in Europe with this substance on bird malaria, and on human malaria : but the tests are few in number. So far they have been very satisfactory ; in other words, they are showing that we have in *totaquina* a product which in therapeutic value is almost the equivalent to quinine. If that is so, and if we in India can produce this *totaquina* at a much smaller cost than quinine, then of course it opens the way to a very much larger exhibition of the drug all over the country for the same amount of money. But that stage has not been arrived at yet in regard to India. We are arranging for experiments now and in due course we shall be in a position to say whether it is advisable for the Government of India to go forward on this *totaquina* line, that is, to advertise *totaquina* in contradistinction to quinine.

for ordinary prophylactic and therapeutic purposes. I think, Sir, I have now made this clear. It is rather technical ; but it is important.

Now, you can see the bearing this has on the Resolution as it stands. There is no such thing, of course, as a tree that yields alkaloids of a " stable composition ." The tree yields the alkaloids ; but by mixing these alkaloids synthetically the result is that we are able to produce this product, *totaquina*.

I would just like to say a word or two about what Government has been doing in regard to these enquiries connected with quinine. We have been helping the Malaria Commission in every possible way. As a member, of course, I have been in close touch with what has been happening in Europe. We have given information on cost on consumption of quinine, and other alkaloids and on the question of treatment and these have all been embodied in the publications of the League. We have in the Malaria Survey of India a Director who has produced the most erudite publications on the subject of the action of the alkaloids ; he has published a bibliography of work done on all the alkaloids and a summary of Indian experiences of different alkaloidal values and the relative values in treatment. We have not had experiments with *totaquina* ; but, as I have told you, we have the two cinchona Directors working on it and we have samples coming from Madras now. I believe this Madras *totaquina* is on sale, or is about to be on sale soon for the price of Rs. 13 per pound, which brings it in cost midway between the cinchona febrifuge which we have been putting out and quinine.

Now, the Director of Malaria Survey has also produced a very excellent paper within the last three months on the " Standardisation of mixed proportions of cinchona alkaloids in relation to Indian conditions ", and his conclusions which are very definite indicate that we must go forward in regard to manufacturing and experimental work and he is prepared to do the latter.

The Malaria Commission of the League having had his paper, know all this. They proposed to convene a large international conference at an early date to study the whole of the questions connected with the prophylactic treatment of malaria : but before doing so they invited and have received comments from various countries and as a result of these they have agreed to postpone the conference pending the further results of the experimental observations which are being made in the different countries. The actual Resolution of the League, which is dated July 17th, 1933, is as follows :

" Inasmuch as further research is in progress into the various anti-malarial remedies the Commission are of opinion that the projected Conference should be postponed. It hopes that the enquiry into the quinine requirements by malarial countries will be kept up to date and that the Health Departments of malarial countries and the members of the Malaria Commission will continue to give it their cooperation ".

That represents, Sir, the attitude of the international experts.

I think I have explained to the Honourable mover the exact position, and I hope I have shown that India has not fallen behind in regard to keeping a very careful watch on what is going on everywhere in connection with this very important subject. I think it is excellent that he has brought up this Resolution in the way he has ; but I would ask him not to press for the institution of an enquiry of this kind at once. I think the enquiry will probably have to come in the near future and then it will not be an enquiry on the policy

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of the cultivation of a particular kind of cinchona alone but it will embrace a large number of aspects of this question and several of those which the Honourable mover has raised in his address.

We must know the value of this substance actually before we can press for it as a remedy in contradistinction to quinine and also to the exclusion of quinine if necessary. I think that is the main point in connection with this standardised cinchona alkaloid *totaquina*.

Sir, I am leaving to one side the other portions of the Honourable mover's speech because they do not concern the Resolution. (Applause.)

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Sir, my sole object in bringing forward this Resolution was to attract the notice of the Legislatures with regard to the improvement of the economic condition of the masses and at the same time benefiting the revenues of the country. Should investigations be made, as suggested ; I would be only too grateful. I cordially thank the Honourable Major-General Graham for the way in which he has taken the trouble to go through my speech and the arguments I have put forth. I think my purpose has been amply served thereby. Under these circumstances, and in view of his exhaustive reply, I beg leave of the House to withdraw my Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### RESOLUTION *RE* REDUCTION OF LAND TAX.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadan) : Mr. President, I beg to move my Resolution which runs as follows :

"This Council is of opinion that the land tax in the ryotwari areas, generally and especially in the Madras Presidency is unduly heavy and has reduced the ryots during these days of economic depression to very straitened and miserable circumstances and recommends to the Governor General in Council that a general reduction of the tax be made according to the needs and conditions in each province and in Madras by 50 per cent."

I beg to ask your permission, Sir, to omit the last few words "and in Madras by 50 per cent."

THE HONOURABLE THE PRESIDENT : Has the Government Member any objection ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No objection, Sir.

THE HONOURABLE THE PRESIDENT : You can proceed, now.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Another small alteration, Sir. If I may be permitted to add "and cesses"—"a general reduction of tax and cesses"—if you have no objection, Sir ?

THE HONOURABLE THE PRESIDENT : I cannot allow the Honourable Member to insert new words in the Resolution. The Government Member has had no notice.

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\*Vide pages 259—60, ante.

**THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER :** I must thank the Honourable the President for permitting me to omit the last few words.

The ryotwari system of land revenue, except in the permanently settled province of Bengal and the proprietary and zemindari estates in all provinces is the same all over India. But I have no knowledge of the periods of re-settlement which makes for the enhancement of land tax every time in all provinces. So far as the Madras Presidency is concerned the land tax becomes liable to enhancement every 30 years which is the period of re-settlement adopted. This enhancement which is generally about 20 per cent. is based upon the value of agricultural produce and is calculated by the officials of the Revenue and Settlement Departments by taking an average price for the past several years preceding that period. These calculations are an elaborate process, beginning with enquiries by the lowest subordinates and ending with the final orders of the Board of Revenue or the Commissioner of Revenue as the case may be. The approval of Government, as Honourable Members will know, is a formal affair. It will be said that in arriving at its conclusions the Government takes into consideration the cost of cultivation of various crops, seasonal factors, the ryot's own labour, average price for the past several years, rental values of the lands, classification of soils, and, in the case of lands irrigated by channels and tanks, the classification of the irrigation sources, whether it is first, second or third class and whether there have been remissions in the past due to failure of water supply and so on. As the collection of this information, the calculations and the conclusions are arrived at officially, it is hardly possible for the ordinary ryot to know how the calculations are made, the figures on which they are based and how the conclusions have been arrived at. They may be quite right as the figures are worked, but what I would bring to the notice of the House is that these elaborate enquiries for re-settlement are preceded by a survey which puts Government to enormous expense and causes much trouble and expense to the ryot. Further it is an indication that Government proposes to make an enhancement of the land tax in a particular district before the elaborate settlement enquiries begin.

As the price of agricultural produce was fair during the pre-war years and to some extent even abnormally high for a short time during and for some time after the war, the agriculturist did not at all feel any difficulty in meeting the demands of land tax. Now for the past four years the prices have begun to fall from year to year. As the Honourable Members are aware, the prices of some important products have gone down abnormally low and it is hardly possible for the ryot to make any profit from the land and in many cases he is actually losing his capital. In spite of his difficulties he makes it a point of duty to pay the land tax by raising money in whatever way he can, pledging his goods, selling his food crops even or taking advances from traders under unfavourable conditions. It may be asked why the ryot did not save and keep a reserve from the bumper period when prices were high to meet the difficult times of today? From a business point of view it is a right question to ask. But the ryot's position is different from that of an ordinary business man. He is a man of nature, and put in a nutshell, he is generous and sympathetic to all, content with what he gets and living for the day. The Honourable the Leader of the House expressed it very well the other day when he said that Government has nothing but admiration for the way in which the agriculturist

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had been bearing his troubles in these hard times. Those hard times however do not promise to pass away in the near future, and on the other hand the position of the masses is becoming worse through the multiplication of adverse factors, such as the Japanese boycott, protective duties, increase in taxation and increasing expenditure on administration—all of which either directly or indirectly affect the position of the agriculturist. It is because the ryot is attached to the land and does not want his land to be brought to market and sold that he has so far borne these very hard times. But what is his position going to be in the future? As I have said, in order to pay his land tax in these difficult times he has strained every nerve; his capital stock, his precious possessions have been sold and he has borrowed up to the limit of his capacity, and he has now come to the end of all his resources. I leave it to Honourable Members to judge whether I have made any exaggeration in stating these facts. Nobody also will deny that in such times as these the agriculturist and his dependants must look to the Government, the big zemindars and proprietary estate owners for help. And it is not unreasonable to ask that Government, who is the biggest land owner, and who takes half the net profit of the ryots in proportion to the money value of his crop should come to his rescue when the money value of his crop has gone down below the rates calculated for fixing the assessment. In no way is it possible for him to reduce his expenditure on cultivation. Already his standard of living has come down in these years to the lowest level. It is a wonder to the ryot that in spite of these abnormal conditions Government does not wish to reduce the standard of living of its servants by even one per cent. The position of the big landholders and zemindars is also getting worse for they cannot collect their dues from tenants. They had to forego a very large portion of it. In ryotwari areas renewals of leases are done at 50 per cent. of the usual rent and even that is not very easy to collect. I believe the same condition prevails in other provinces also.

I may be permitted to say a few words about the presidency from which I come. Taking all provinces, Madras is the only province where the incidence of land tax is the heaviest. Besides water rates, cattle grazing fees, tree taxes are very high owing to recent increases by executive orders, in some cases more than 100 per cent. without a corresponding increase of income. Being a loyal and law-abiding people, district collectors find no difficulty of land revenue collection and they take no interest to enquire into the actual condition of the ryots and report it to Government, nor is any sympathetic report made by one collector given due consideration by Government. The Government would naturally boast of the easy collection of land revenue. The stereotyped season reports will be found all right. So for all official purposes everything would be found quite satisfactory. It was mainly due to a cut motion passed in the last session of the Legislative Council of Madras by a large majority that Government was pleased to open their eyes and show a small concession by ordering a suspension of land revenue of two annas in the rupee in only nine districts. My Honourable colleague says in only five districts. This was in spite of a large surplus budget. I would like to point out in connection with certain concessions given to other provinces, so far as I understand from the papers and other speeches of Honourable Members, that the reason which led

other provinces which were fortunate enough to get remissions of land tax for the past year and this year would be found to be not in full justification of its official report concerning them, but due to other causes and the will and generous heart of the Government Member in charge and the head of the province, when they come to know the state of things in the rural parts personally and unofficially. The people look to Government for justice. But Government are not acting in that spirit. There is discontent and despair now among the ryots of the country. I do not think it is good to Government themselves that they should allow this state of affairs to continue. It is the proper time that the Government of India should move in the matter when the whole agricultural population of the country is in real distress in order that all Provincial Governments may take a bold and immediate step to give suitable remission in the areas and thereby make agriculturists feel that Government have shown consideration and justice in their present unusual plight. Sir, let me quote a few figures to show the incidence of land tax prevailing in some of the important provinces :

Madras pays Rs. 2-5-0 per acre.

Burma pays Rs. 2-3-6 per acre.

United Provinces pays Rs. 2-0-11 per acre.

Bombay pays Rs. 1-11-0 per acre.

Punjab pays Rs. 1-11-9 per acre.

Bengal pays Re. 0-15-3 per acre.

And yet I have been told that the Punjab, the United Provinces and Burma have already been fortunate enough to get sufficient and satisfactory remissions in their assessment. Sir, Madras heads the list in the matter of heaviest taxation per acre. Apart from that, Madras is the province which had paid very heavily to the Government of India on account of the Meston Award ; Madras paid the heaviest contribution for several years which meant that that province suffered very much at the time of coming of the new reforms. After all, at the present time we are not going to have any changes which will improve our economic condition. I have placed before the Council the conditions that I have found myself in the rural parts and my own experience ; and persons who own a few more acres also feel and suffer the same consequences. Fortunately, Sir, we have in the Honourable Sir Fazl-i-Husain, the Leader of the House, one who has well understood the difficulties of the rural people and who has done much in the Punjab also for the ryots as the Revenue Member. It is not too much to ask him to extend his sympathy to other provinces as well. I have placed this Resolution before the Council to bring to the notice of the Government the sufferings in the country, especially of the masses who are mostly dependent upon land.

Sir, with these few words, I move my Resolution.

**THE HONOURABLE THE PRESIDENT :** I may inform the House that I propose to sit here this afternoon till the entire business on the list is disposed of.



THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir I must confess I have little knowledge of the system of land tax prevailing in ryotwari areas of Madras ; but I know that unless prices improve reduction in all money demands in direct ratio to the fall in the money value of commodities is inevitable.

The Honourable the Leader of the House admitted the other day that the income of the agriculturists had reached the vanishing point, and this is a fact. Government having admitted the gravity of the situation cannot remain idle, but must seek remedies to secure contentment of the people. I have therefore great pleasure in supporting this Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir,

I wish to give my support to this Resolution for practical reasons.

4 P.M. In India formerly both in Hindu India and Muhammadan India the agriculturists used to pay a proportion of the produce of his land as rent. In Hindu times it used to be one-sixth of the whole produce. During Muhammadan times it was one-sixth of the whole produce. After the Ain-i-Akbari the rates were reduced and altered in some places. But still the thing went on. At the end of the year officers of Government went to the fields, assessed it at so much, and from the produce they took the Government's share. That had this advantage, that in lean years or fat years Government always profited or lost. It was a sliding scale and nobody could complain and therefore in these large agricultural tracts in the whole agricultural Empire there was no serious complaint.

Now what has happened ?—and this has happened practically within my lifetime and therefore I know something about it. In my province they disliked the old way of getting produce. It was then pointed out that because Government have to support an army and they must purchase grain, etc., why not take it as a share from the agriculturist and make it over to the military ? Well, there was a long argument and ultimately it was decided that rent should be fixed in money. That was brought into practice. But in those days the gold mines had not come into operation nor were there silver mines putting every week so much more metal on the market, so money was practically steady and one rupee meant one rupee. Not as it is now, when a rupee means 12 annas in the morning, and 13 annas in the evening and next day perhaps 18 annas. All this is very disturbing to the agriculturist. The agriculturist depends entirely on the land and he expects to pay the Government, pay his village dues, and feed himself and his family and leave something over. Well then the poor man cannot do it now and do what you like, complaints on this ground are there and will remain so long as we do not return to some kind of sliding scale by which the rent will be determined by the actual produce. At present as it is rent is not settled by the actual produce. Settlement officers have settled it once for all for 30 years. In 20 years how many changes have taken place. It was only a few years ago that we altered the value of the rupee from 16*d.* to something else. And here we talked about it but probably not much notice was taken. But the fact of it was that on going home the rates had to be paid in rupees and the value of the rupee was changed, and it came to be that Government officers got 12 per cent.

promotion without any effort, and the rent had to be 12 per cent. more and there was a great deal of trouble and we had to make representations and go and appeal to the Viceroy. It may be said and it is considerably true to say that this has happened because the economics of agriculture have not been so much studied as the economics of commerce has been studied lately. In commerce they understand everything and every bit of it but in agriculture even in England agriculture has gone done and squires have disappeared and castles have been pulled down. So it comes about that the present civilisation is more commercial than agricultural,—if I may be permitted to make use of these words. In India agriculture has to be studied and I therefore support every resolution which proposes an inquiry into this matter. The only way to get out of the difficulty is to have an inquiry or to give a sliding scale or to have some arrangement by which the incidence of taxation will not be altered from year to year if not from day to day. This inquiry I certainly recommend and I hope the Honourable Members of this Council will take this into consideration that this is causing a great deal of inconvenience to the poor agriculturist and breeding a great deal of discontent and when discontent has once been established it always becomes a favourable ground for all kinds of agitation. I therefore recommend that as it happened in my part of the country, the Government officers came and they made certain remissions, remissions have been given this year but the remissions in one province do not amount to the remissions in another and what is given in one province is not good enough for another province and so discontent goes on from year to year. And I wish there was some comprehensive mode of going into this matter and settling some sliding scale by which the rents of agricultural land will be altered or increased according as the produce increases or is reduced and the prices of them become different. It involves so to say the functioning of three variables. First your prices vary from day to day. Another function that varies is produce which varies from day to day. And there is the function which has now been introduced which makes it still more difficult, that is money itself losing and gaining in value. Money has become an article of commerce rather than a standard of value. As it is in India now, silver is not so much a standard of value as an object of commerce and like objects of commerce it becomes cheaper here and dearer there and it becomes part of capital and I believe that all people who deal in stocks and shares have the same kind of trouble. I would like that agriculturists, wherever they may be, whether in Europe or India, should have some fixed standard by which they can be assessed. Otherwise that great yeomanry which fought battles and was the strength of the people will disappear. You may get mercenary soldiers and strong soldiers but not patriots. So in order to bring this state of things back into India and elsewhere, I support this Resolution heartily wishing that, though nothing can be done in one day or by one resolution or one inquiry, a steady endeavour should be made to bring back the agriculturist to where he stood before.

I support this Resolution, Sir.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN** (Education, Health and Lands Member): Sir, I want in the first place to appeal to the House first to understand the purport of the Resolution and then to address itself seriously to the consideration of the recommendation contained in the

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Resolution, and, thirdly, to remember that they are the Central Legislature and the Upper Chamber of the Central Legislature and have passed no end of Resolutions in support of provincial autonomy,—that this House has times out of number said that what we want is not imperialism, not centralised government but what we want is provincial autonomy, liberty to the provinces to act in the way local conditions demand and that the system of government at the centre should be federal and not centralised or unitary. Fourthly, they should remember the Indian proverb that when you want to offer some charity for the benefit of the soul of your grandfather it is not right that you should go to a sweetmeat-seller's shop and do it at his expense.

One Honourable Member, Sir, today spoke of the Madras ryotwari peasant being ground down under the heavy taxation of Rs. 2-5-0 as against the poor man who paid less in other provinces. Does not the Honourable Member know that Madras is probably the most solvent province in India, which means the richest? (*An Honourable Member*: “No, no”.)

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU: Of course it pays a very high rate of taxation. It is not rich in other respects.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Is it really the modesty of the Honourable Member which makes him contradict that the Madras Presidency's financial position is better than that of other provinces, that in education and other matters it is far ahead of the other provinces? And why? Because Madras people are good, sensible, clever people, who, if they collect money, spend it profitably on themselves. What is wanted in India? Development of the country. How can you develop your country if you have not got the means to develop it? In Madras the Administration is far ahead of many other provinces. I remember 20 years or more ago when I met some Madras friends and some friends from Bengal and other provinces. This conference was called with the object of deciding whether the matriculation examination should be conducted in the vernacular or in English. The Madras representative said that they would like to introduce the teaching of English, if not in the 1st primary standard at all events in the 2nd, while we thought that it was high time it was introduced in the middle form. You cannot have all the good things of this world without spending some money for them. Who else has got to find the money? You cannot expect it to come from England. However, that is by the way. The fourth point was that this House should remember that there is such a thing as a Provincial Legislature functioning in each province, that those Provincial Legislatures have a stronger elected element on them than this House possesses and that it cannot be said that the Provincial Legislatures are less representative of the people than this House, nor can it be said that the Provincial Legislatures are less cognisant of the needs of the agriculturist, remembering that the representation of the agriculturists on Local Legislatures is stronger than it is on this House.

Having drawn the attention of the House to these four or five points, Sir, I venture now to ask the House to closely examine the wording of this Resolution. The Resolution amounts to saying this, that in India, excepting such portions as are under a permanent settlement, the incidence of taxation is

unduly heavy, although the Resolution does not state whether it is unduly heavy today or it has been unduly heavy all along, whether it is unduly heavy since the fall of prices or whether it was unduly heavy even before the fall of prices. But I understood the Honourable mover's speech to mean that his complaint was due to the fact that prices have during the last four years fallen, and fallen heavily. Am I right?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Yes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZI-I-HUSAIN : Then this is his first assertion, his first allegation. I am not prepared to quarrel with him over that allegation, although presently I will be able to show that his statement could not apply to all parts of any province, although it would apply to several parts of each province. Now, take the case of the Punjab. There are districts which were settled before the rise of prices. In the matter of production and in particular in the matter of prices you cannot find fault with those settlements which took place before the rise. There are other districts which were settled during the time of these high prices, and here undoubtedly the tendency was for the settlement to be heavier than would have been the case had there been no high prices prevailing at that time. Therefore, in each province you cannot but categorise those cases with which you cannot find fault and those with which you can find fault. If so, then apparently the general allegation that the assessment is unduly heavy as applied to a whole province cannot be made. If you say, "Oh, well, the assessment is unduly heavy; let us reduce it by so much throughout the province", you will be doing an injustice. You will be giving remissions to those who are not entitled to them,—to those who were assessed before the prices soared up,—and you will be doing very little for those who really deserve help. I am, Sir, trying to emphasise the difficulty in generalising from particular facts in the sort of House that ours is. If Honourable Members remember what I have told them, if they have in mind what the Honourable mover himself has stated, what the Local Governments do in these hard times, and remembering that these hard times are not peculiar to India only—these are hard times which India shares with the rest of the world, and if you remember *marg-i-amboh jashn darad* When there is a calamity, a calamity which we share with a very large number of people, that is not altogether a matter for very keen regret because we have not been singled out by Providence for being visited with the calamity; so the natural thing for Local Governments to do is to deal with the case of each district on its merits. What my Honourable friend Mr. Khaparde has said is an idea which has been taken up very seriously by several provinces. A sliding scale has been devised, so far as I know, in the Punjab, for those districts where assessments have taken place during the time of high prices. They treat the price fixed by the Settlement Officer as the price for the purpose of assessment as due, and see whether the present prices have fallen below, and to the extent to which they have fallen below it, Local Governments give relief in that particular area. My Honourable friend, however, I am afraid, has not quite realised that any attempt at uniformity amongst the provinces is impracticable. Conditions vary so enormously. I however agree with him that when it is heard that in the United Provinces a remission of four annas or two annas is given, people in the Central Provinces say, "Look, our Government is a rotten one; they are very unsympathetic! Look at the United Provinces Governor; he

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has given a remission whereas we have got none". They have naturally heard that there has been a remission in the United Provinces. They have seen the newspapers. But they have not got information in what particular area that remission has been given, what were the peculiar circumstances of those areas and all the attendant circumstances. They know of only one thing, that a remission has been given, and that they have not been given any, and therefore conclude that they have been unjustly treated. That is a very dangerous thing, Sir. When ideas like these are spread amongst the ignorant people, naturally the harm done is incalculable. The reason why I am talking very frankly is this. I have had experience since the reforms of spending money on beneficent activities as a Minister for five years. So I know perfectly well how those who want to help the beneficent departments of their province feel. They want money and at times they are not very scrupulous as to where that money comes from because they really cannot do much unless money is forthcoming. After that term of five years I had experience as a Revenue Member, when I came in very close contact with the vast agricultural population of the Punjab. The Punjab has the benefit of having excellent Colonies wherein the condition of the agriculturist during the time of high prices was excellent. The standard of comfort rose and they began to think of themselves as quite civilized, later on developing a taste for Ford motor cars and so forth. Then I saw the time when year after year I had, much to my regret, to recommend remissions, suspensions and the rest. But I realised that as long as one treats the people equitably they do not complain. They realise that all that can be done is being done for them and that there are calamities over which the Government has no control and therefore they cannot expect things which are not within the power of any Government to vouchsafe to them. But it must be remembered that unless Legislatures act in a reasonable manner it is extremely difficult for Local Governments to respond to their recommendations either for relief or improvement. I think in the Punjab we were the first to pass the Land Revenue Amendment Act, under which assessments were regulated, increases on past assessments were regulated and the whole method was brought under statutory sanction instead of the procedure which had been previously followed. The United Provinces followed suit and the Central Provinces also passed similar legislation. I remember very well that Bombay also tried to fall into line. But our friends the Madras people wanted to be too clever. At times they want too much. They think that either they must have the whole loaf or none at all; they will not have half or even three-quarters, with the result that although Madras more than once tried to legislate, it did not come off. But after all none of us here is as competent to pronounce on the rights and wrongs of remission of land revenue of any particular crop as the Madras Legislature itself and the Madras Government. My advice, Sir, to the House is not to condemn any Local Government unheard. I have been a member of a Local Government myself and I know how keenly Local Governments resent being sat upon either by the Central Government or by the Central Legislature. They have a feeling that they are being judged without being heard in their own defence, and I am sure the sense of justice of this House will prevail and will not allow this House to pass a general Resolution condemning a Local Government for having failed to take suitable action when there was need for that action to be

taken. I have here a summary of the various actions taken by various Local Governments. I have mentioned the case of the Punjab which is moving in the direction of a sliding scale. In the United Provinces I understand a committee actually sat and a sliding scale was devised. How many United Provinces landowners would be prepared to subscribe to this Resolution saying that land revenue be reduced by a half or one-third or one-quarter. The rent of the landlords also goes with it. Will they be prepared to agree to that? And is it for this House to say that Local Governments should do this or that, when they know perfectly well that every Local Legislature has discussed this subject in its own province. After all, the Central Legislature has certain rights, and so also have Local Legislatures. And if we have certain privileges we have also to respect the privileges of others. If we have any regard for the constitution we should honour it by not trespassing upon the privileges to which Provincial Legislatures and Governments are entitled.

One point more, Sir, and that was the point which Mr. Khaparde gave as a reason for his support to the Resolution. He said, "I am all for enquiry". Well, the spirit of enquiry in me is no less acute than in him; but where is the enquiry? The Resolution simply says—and it is in terms which you cannot possibly misunderstand—it recommends to the Governor General in Council that a general reduction of tax be made according to the needs and conditions of each province. If, Sir, the Government of India were to accept this Resolution what would it mean? It would mean that the Revenue Member, that is my humble self, would call a committee of certain people, probably officials, and visit each province, sitting in judgment on the Legislature as well as the Government of that province. It would take me some time, Sir, to complete that tour of inspection. And would the Local Governments tolerate such a course on the part of any one? I am sure that neither the Honourable Members sitting opposite would like me to do it, nor would Local Governments submit to a thing like that. It could not be done. That is what I meant when I said I wanted Honourable Members to realise the implications of the recommendation contained in this Resolution. The question then is, to what extent can I accord my support to this Resolution? There is a great deal, Sir, of the speech of the Honourable mover to which I can accord my support, and to the spirit which actuates his speech I can accord my sympathy; but as for the wording of the Resolution, it is such that it precludes me absolutely from agreeing to the recommendation embodied in it. I trust that my sympathy with the object of the Resolution, my support to many parts of the speech of the Honourable Member, will go far to satisfy the House that this House is in sympathy with these two things, but as to the actual recommendation contained in the Resolution, neither I nor this House can possibly accept it.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, I have full sympathy with the Honourable the mover of the Resolution, but my Honourable friend Mr. Khaparde made a remark that in the time of the Hindu administration the land tax was one-sixth of the whole produce. I have been a student of history and I read history very minutely. I think no ruler, whether Hindu or Muslim, has ever taken more than the tithe as land tax. The Maharrattas were called robbers on account of their high exactions but they

[Major Nawab Sir Mahomed Akbar Khan.]

never took more than tithe from their own subjects which was called *surdeshmukhi*. When they invaded hostile country, they used to demand *chauth*. From the Honourable Member's speech it was understood that it was one-tenth of the whole produce. That was not so, but it was *chauth*. Muhammadans had always taxed according to the *Ain-i-Akbari*. Nobody, according to that book *Ain-i-Akbari* was taxed more than one-tenth. Tithe has always been the amount of tax taken during the Muhammadan period, and that has been the case with Hindus and Muhammadans from time immemorial. It was not so only during the Muhammadan period ; but the Muhammadans took this form of land tax from the Greeks. A tithe has been the biggest share that the Government could ever ask the people in the way of tax. It has been said that it is for Local Councils to decide the reduction in land tax. Resolution after Resolution has been passed for the reduction of land revenue. I can point out to my revered Leader, the Leader of the House, that in the North-West Frontier Province two Resolutions were successively passed for reduction of land revenue, but no action has been taken by the Government on those Resolutions. This question has been in the forefront both in the Local Councils as well as in the Imperial Council. Calamity is talked about. May I ask if there is no calamity every year ? Some sort of thing does happen every year. What are we to do ? Where are we to go ? There must be some central authority to find out some means to remove the calamities and where is that place ? We must go to some place to get our grievances redressed. In the Local Council with a vast majority a Resolution to reduce the rates was passed. No action is taken there. No action has been taken by a great many of the Local Councils. When we put forward this Resolution, you tell us—

THE HONOURABLE THE PRESIDENT: Will the Honourable Member please address the Chair ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Sir, that is the state of affairs prevailing in the country. I have full sympathy with the mover of the Resolution, because, Sir, in some of the districts remission was made when the price of wheat, barley, *macca* and rice was something like Rs. 5 to Rs. 7 in the case of wheat, Rs. 4 to Rs. 5 in the case of barley and Rs. 3 and Rs. 4 for *macca*. Assessment was made on the basis of those rates. Now the prices have fallen considerably. Has there been any reduction in land revenue corresponding to the fall in prices, and has there been reduction in the water rate ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: There was last year in the Frontier Province.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: There was a very slight remission which did not correspond to the depression and the fall in market prices. An anna or two does not make any difference. Wheat was sold at Rs. 8 a maund ; today it is less than Rs. 3. Assessment was made when the price was Rs. 8 a maund. Sir, when *abiana* and land revenue is paid to Government, there is no margin to the cultivator to clothe and feed himself and his family. There is some margin I admit in the sugar-cane crop, but on account of excessive rains the output of juice called *ghur*

gets rotten and no lumps can be made properly out of it and the poor cultivator is put to great trouble, because he has to pay a very high rate of *abiana* without getting any remuneration in the way of selling his *ghur*. What is the result? The poor cultivator then has either to sell his bullocks or ask for a loan with a high rate of interest from the local *sahukar*, or to fall back on his landlord if the landlord has anything to offer him in the way of a loan without interest. The result is that he cannot pay the Government taxation and clothe and maintain his family. If the landlord has money, he finances the cultivator and advances enough money to pay his land revenue. If the landlord has no money, then the cultivator has to sell his bullocks and ploughs and be deprived of the necessities for agriculture.

Sir, as I said, prices have fallen considerably and nothing has been done in the way of reduction of land revenue or *abiana*. The rates of corn are the stabiliser of the other commodities in India and if there is depression in the corn market there is depression also in all other branches of trade. Now, Sir, when there is depression in trade there must be a lowering of fees of the pleader, doctor, attorney and school fees as well as of the wages of all craftsmen of skilled and unskilled labour throughout the length and breadth of this country. As it has come into practice, I should say that there should be corresponding retrenchment and reduction in the scales of pay of all the Indians in service so as to provide relief to the poor cultivator by reducing his land revenue and water rate to such a level that he should be able to work contentedly without incurring heavy debts in order to pay up the Government demands of land revenue and water rate.

Sir, the condition of the cultivator of today is most deplorable, miserable and pitiable. The most urgent business before the Government, therefore, is to devise some means in order to ameliorate the condition of these wretched people to at least the level of the common labourer.

THE HONOURABLE THE PRESIDENT: The Honourable Member has already exceeded his time.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Sir, I will finish with your permission in five minutes.

THE HONOURABLE THE PRESIDENT: The Honourable Member will bring his remarks to a close.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Well, Sir, if that is your order, then I have nothing more to say but I wholeheartedly support the Resolution and I must say that if it is ordained that prices should be low, the Government must see its way to reducing the taxation on land. Sir, it is the duty of the Research Department to find out some valuable articles, the cultivation of which might relieve the present depression and make the peasantry contented.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (Madras: Non-Muhammadan): Sir, although I am not a good speaker, being only a cultivator, I want to say a few words in support of the Resolution. For these four years we have had great depression. The Honourable the Leader of the House said that it might continue for one year or for two years. It is not so.



[Mr. Y. Ranganayakalu Naidu.]

It has been so for some time, without any improvement in the prices of commodities. For these four years the agriculturists were not able to pay their land taxes and they are driven to the plight of their cattle being attached and sold. It is the result of this depression that we are exporting large quantities of gold from India to England. They are not selling gold for the high price it fetches, but they are forced to sell it to meet the *qist* demand. Sir, cultivation is not paying and so land is neglected and not cultivated, and landholders are not able to pay their debts and their dues. They are therefore forced to sell all their lands to the creditors. If this depression continues for another two years these lands will come to the Government automatically. There is no doubt, as the Honourable the Leader of the House said the Madras Government gave a remission in land tax to the extent of Rs. 31 lakhs. That was not a real remission for all the districts but only an increment remission in Malabar, Tanjore, Godavari and Krishna districts. That was done only after two Resolutions were passed with a large majority in the Madras Council. Of course that was hardly sufficient to meet the situation. It is rather difficult to cultivate the lands in future unless some further remission is made. What can the poor ryot do otherwise? So I request the Honourable Members of the House to support the Resolution and especially the Leader of the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, in Bengal there are so many permanently settled estates that I fail to understand how this proposition will apply there? That being so, the whole scheme of permanent settlement with regard to Bengal will undergo a transformation to a large extent. I should like to be enlightened in this matter.

\*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, as I do not wish to waste the time of the House, I will only touch on two points. The Honourable the Leader of the House asked that this Resolution be moved in the Local Council. Perhaps he lost sight of the fact that this is a reserved subject. It has not been transferred to the Local Legislature to decide and on the reserved subjects the Government of India has still a good deal of say—they have a controlling interest and they can do a lot. As regards the various reasons of the Honourable the Leader of the House, I would remind him that he left the Punjab just when this depression had started. Perhaps the Finance Secretary will bear me out when I say that it started in November, 1929, and from that time we trace the fall in prices. The Leader of the House left a few months afterwards; so he did not have thorough experience of the condition of the local people in the Punjab. These people no doubt moved the Local Council, but the Local Government has got its own problems. It is for this reason, Sir, that we have brought the matter to the notice of the Government of India so that they may press their view on the Local Governments.

For these reasons, Sir, I support the Resolution.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Sir, I must at the outset thank the Honourable the Leader of the House for giving great

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\* Speech not corrected by the Honourable Member.

credit to the Madras Presidency for several advancements in the way of education, civilisation and cleverness. No doubt Government will find such cleverness that they will get their work done by the Madras people. Apart from that, our position economically is not in any way different from the rest of India. The Honourable the Leader said that our province is solvent. I do not know on what basis he has given out that opinion. If what he said on previous occasions is true that the whole of the country areas are suffering, I ask if that statement is not to be applied to Madras? Compared to other provinces Madras may have advanced to some extent educationally. But it should be considered whether the prevailing methods of education has brought any good to the country. On the other hand, it has been said by all experts on education that the present form of education is causing the country a tremendous waste. Only the other day I tabled a question to find out the numbers of unemployed graduates. No doubt in that list Madras might head the list. I have no figures to compare with the position of the graduates in other presidencies. We are suffering as a result of certain wrong principles—wrong methods. We are wasting our money and Government praise us for the way in which we are wasting that money, and when we approach Government for a solution to arrest that waste, we are made to understand that Government are investigating.

Sir, the Honourable the Leader of the House said that this is a provincial question, and that this should come up when provincial autonomy comes. We ryots are not very much interested when autonomy comes. Until that time, the ryots have to keep body and soul together. We have, as pointed out by my Honourable friend, watched the effects of any number of Resolutions passed by the Legislatures in the provinces. They share the same fate. Several Resolutions were passed to the effect that the land tax should be reduced. I remember also that several Resolutions have been passed to the effect that every re-settlement arrangement should first come up before the Legislature for consideration and approval. All these enhancements of land-revenue are made arbitrarily by executive action. The whole thing has been done, as I said in my original speech, by working out certain figures. If you thoroughly examine it, you will find that in many cases it has no bearing at all to the income which the ryot gets. We have come here to represent the grievances of the masses. Government have already given remissions of land tax in crores in several provinces such as the United Provinces, the Punjab, and to some extent in Burma too; I am told. If such remissions are being granted, I must ask the Honourable the Leader of the House whether there is any basis for those remissions. If their calculations are correct, these rates, once fixed, should be found to be workable until the period of re-survey and re-settlement. The general idea of the people is to pay whatever the Government asks. They think that the rate of taxation would be right and that Government will always come to their rescue if people are found to be suffering and feel distressed. It is more or less the general idea of the mass of agriculturists. They are dependent upon the support of the Government, and they are paying these taxes as a duty, whether they have facilities to pay or not, from their own earnings up to their capacity. A comparison was made with the permanent settlement and it was said that the permanent settlement rates are very heavy compared with the ordinary ryotwari rates. I have no direct knowledge of the permanent

[Mr. V. C. Vellingiri Gounder.]

settlement rates and its relation with tenants, but I have heard in conversations with my friends who own permanently settled tenures that their position is quite different. Tenants in many places find a very sympathetic landlord in the zemindar or in the owner of a big estate.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : They do find in many cases.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : I have heard that if a zemindar is entitled to get a rupee from the present, on account of the present economic distress he will not press for more than eight annas in the rupee, or even less. But I have heard zemindars say that they have to pay more than what they get to Government as they have permanently agreed to pay this amount to the Government.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : But that is with regard to cess that they pay more, not in land revenue.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Further they are prepared to show any amount of leniency in the collection, and

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they are doing it as a sort of help so as to keep their mutual good relationship. If there has been any troubles in a zemindari, it is due not to any political reasons, as some people attribute, but merely to economic conditions, and if a zemindar is a sympathetic gentleman, he is always willing to forego a large portion of his income and make the ryot live as comfortably as possible. Sir, in ryotwari tracts, the settlement rates, which looked at the beginning to be very small when compared to the income which the ryots were getting several years back, when prices were high, the settlement rates have been raised gradually every 30 years. Now the ryot hardly finds money from the resources of his land due to very low prices. No doubt, as my Honourable friend Mr. Khaparde has observed, if there is a sliding scale it will be an immense benefit to the ryot. He will be prepared to pay a higher rate when prices go up and he will expect in return a benefit from Government by way of the acceptance of a lesser share of the income when prices go down.

Sir, this Resolution only records the opinion of the Central Legislature. It does not amount, as the Honourable the Leader of the House said, to any censure on any particular Government. We merely express the opinion that the position of the ryot is very difficult, and since the settlement rates are based upon the past value of his crops, which value has gone down very low during the last four years, we advise Local Governments to consider their condition sympathetically. After all the Government of India have got a final say in the matter as land revenue being a reserved subject it is proper that the Central Legislature should discuss this matter, and its opinion will have great weight, and thus the ryots will have a better chance of having their appeals considered more favourably. It has been said by several Honourable Members of the House that Resolutions in Local Councils which have been passed unanimously or by overwhelming majorities do not receive proper consideration at the hands of Local Governments. All this supports my plea. The suffering has been widespread throughout India and it is in the fitness of things that the Central Legislature should express its opinion in the form in which it is here expressed.

Sir, I therefore move my Resolution for the acceptance of this House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Just one word, Sir, as to Madras. The Honourable mover takes exception to the policy pursued by the Ministry of Education in his province. I am not here to defend that Ministry. If the majority of the Local Legislatures are of that view they can no doubt throw out the Ministry tomorrow. All I know is that the Madras system of education has enabled young men from Madras to obtain the greatest possible benefit out of the Indianization of the Indian Civil Service, and every province of India has the benefit of young Madrasis as civil officers in it. The second point which strikes one, and it has often been noticed by people belonging to other provinces, is that the Government of India Secretariat is mostly monopolised by brilliant young graduates of Madras.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: It is absolutely true.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Well, there you are! No better proof could be given than the testimony of a Bengali who was the predecessor of the Madras! (Laughter.) However, let that pass. Turning to the business before the House, I do not know what the Leader of the Party to which the Honourable mover belongs intends in this matter. I understood him to say that what he wants is not a recommendation to the Governor General in Council to effect a general reduction of taxation but to invite the attention of Local Governments to the expressions of opinion in this House. If that is what is wanted I am prepared to undertake to communicate the debate to Local Governments and they can take such action as they feel inclined to do. If he wants anything more to be done then I must plead my inability. I would like to know if the Honourable mover will withdraw his Resolution on that basis or whether he wishes that the House should proceed to a division?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: In view of the fact that the Honourable the Leader of the House has given sympathetic consideration to it and has promised to do what he can by communicating the views of this House to Provincial Governments, I beg leave to withdraw the Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### LEGAL PRACTITIONERS AMENDMENT BILL.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): Sir, I have to make a motion at the far end of the day and I do not want to detain this House so I shall finish as soon as possible. The proposition that stands in my name is:

"That the Bill to amend the Legal Practitioners Act, 1879, be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

As I said on the last occasion, there have been cases decided by the various High Courts in India in which we do not find unanimity of decision. Some High Courts have assumed jurisdiction under section 13, clause (f), and by assuming jurisdiction they have begun to interfere in the private activities of a

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\* Vide page 286, ante.

[Mr. Vinayak Vithal Kalikar.]

pleader. Other High Courts have decided that they cannot under the two sections, sections 12 and 13, interfere in the private activities of a pleader. Our Acts, Sir, are more or less based on English law. I cannot do justice to my case without quoting a famous English case on this subject. It is the famous English case decided by the Privy Council about Wallace. It is reported at page 140 in 4 Moore New Series and the remarks will be found at page 157. In that case Lord Westbury observed as follows :

“ When an offence was committed which might have been adequately corrected by that punishment and the offence was not one which subjected the individual committing it to anything like general infamy or an imputation of bad characters so as to render his remaining in the Court as a practitioner improper we think it was not competent to the Court to inflict upon him a professional punishment for an act which was not done professionally and which act *per se* did not render him improper to remain as a practitioner of the Court ”.

After that, Sir, recently a case has been decided by the Punjab High Court. I am sorry I cannot quote the case, because it has not yet been reported in any law report. But in that case it has been decided, Sir, that pleaders taking part in political activities have not committed any offence under sections 12 or 13 of the Legal Practitioners Act. So my submission is that the law on this subject is practically in a nebulous position and an amendment of the present section as suggested by me is necessary in order to reconcile conflicting judgments in the various High Courts on these two sections. I therefore submit, Sir, that the Bill to amend the Act be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.

THE HONOURABLE MR. J. BARTLEY (Government of India : Nominated Official) : Sir, at this late hour, I propose to say very little on this motion. It is not necessary to oppose this motion for circulation, because it is a recognised convention of the legislative processes to which a Bill is subjected in its passage through the Indian Legislature that acceptance by the House of a motion to circulate a Bill for eliciting opinions thereon does not involve acceptance by the House of the principle of the Bill. Therefore acceptance of this motion of the Honourable Mr. Kalikar does not imply that Government in any way accept the principle of this Bill. As a matter of fact Government are strongly opposed to the principle of this Bill. Mr. Kalikar may have made out a case for amending the Legal Practitioners Act, though this section of it has survived since 1879 with one small amendment in 1896. But even if the Honourable mover has made out a case for removing some doubts as to the interpretation of this section, he has not made out a case for removing those doubts by an amendment in the direction which he himself proposes. It would be just as logical and indeed it would be more defensible to amend the section to make it perfectly clear that it is within the competence of High Courts to take disciplinary action against a legal practitioner for an offence other than an offence committed in connection with his professional activities. In 1920 an Act was passed in Bombay, the Bombay Pleaders Act. The corresponding section of that Act conveys very clearly the intention then entertained by the Bombay Legislative Council that there should be no doubt that reprehensible activities on the part of legal practitioners were not confined

to activities of a professional nature. The wording of the section is very brief and very simple. It runs thus :

“ The High Court may suspend or remove from practice or may fine or reprimand a pleader on reasonable cause ”.

In 1926 the Indian Bar Councils Act came before the Indian Legislature. Section 10 of the Bill as originally drafted omitted to make it clear that conduct other than professional conduct was aimed at by the section. It was in the following terms :

“ The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate of the High Court whom it finds guilty of professional misconduct ”.

The Select Committee inserted the words “ or other ” after the word “ professional ” and before the word “ misconduct ”, because they were of opinion that the expression did not cover the whole range of cases in which it might be necessary to take disciplinary action against a legal practitioner. Had this Bill of the Honourable Mr. Kalikar proposed to amend the Act in that direction we should probably have found ourselves in agreement with him, but in view of the direction which his Bill takes, although as I say it is not necessary to oppose this motion for circulation because it commits the House to nothing, Government are completely opposed to the principle of this Bill.

THE HONOURABLE THE PRESIDENT : Motion made :

“ That the Bill to amend the Legal Practitioners Act, 1879, be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.”

The motion was adopted.

## ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT : Honourable Members will proceed to elect two Members to serve on the Standing Committee to advise on subjects other than “ Roads ” and “ Broadcasting ” dealt with in the Department of Industries and Labour. There are three candidates for two vacancies. Voting papers will be handed round and I ask Honourable Members to vote by striking out the name of one Member for whom they do not wish to vote.

(The ballot was then taken.)

## ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT : Honourable Members will also proceed to elect two Members to serve on the Standing Committee to advise on subjects in the Department of Commerce. There are three candidates for two

[The President.]

vacancies. Voting papers will again be handed round and I ask Honourable Members to vote by striking out the name of one Member for whom they do not wish to vote.

(The ballot was then taken.)

THE HONOURABLE THE PRESIDENT : The result of both these elections will be announced later.

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The Council then adjourned till Eleven of the Clock on Wednesday, the 13th September, 1933.

# **\*APPENDIX.**

## **BIHAR AND ORISSA.**

General List No.	No. of Indians.	No. of Indians on leave.	No. of Europeans on leave.
1—42	1	..	10
43—66	7	..	6
67—106	20	3	7

28 Indians—3 on leave (1) or 10·7 per cent. ; 77 Europeans—20 on leave (1) or 26 per cent.

### **BENGAL.**

1—40	7	..	10
41—80	7	..	5
81—120	23	1	3
121—160	24	..	1
161—167	4	..	..

63 Indians—1 on long leave or 1·5 per cent. ; 104 Europeans—19 on long leave or 18 per cent.

### **UNITED PROVINCES.**

1—50	6	2	11
51—100	8	2	14
101—189	46	1	6

60 Indians—5 on long leave or 8·3 per cent. ; 129 Europeans—31 on long leave or 24 per cent. Grand Total .. { Indians—151, 9 on long leave.  
Europeans—310, 70 on long leave.

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces.	Assam.	Total.
No. post S. . .	97	80	101	115	83	91	63	45	23	698
Add—G. of I. +	8	7	8	9	7	8	5	4	2	+ 58
										= 750
Deduct—Listed—	21	17	22	25	18	20	14	10	5	— 152
Total S. posts ..	84	70	87	99	72	79	54	39	20	= 604
Total men on	170	136	167	189	135	137	106	79	39	= 1,158
1st July, 1933.										
Theoretical strength.	170	142	176	201	146	160	110	79	41	= 1,225

\* Vide page 234, ante.



**LISTED.**

**Assam.**

**Bengal—16 from Provincial Civil Service and 4 from Bar out of 22.**

**Bihar and Orissa—9 from Provincial Civil Service and 2 from Bar out of 14.**

**Bombay.**

**United Provinces—16 from Provincial Civil Service and 2 from Bar out of 25**

**Punjab—18 out of 18.**

**Central Provinces—10 out of 10.**

**Burma.**

**Madras.**

## COUNCIL OF STATE.

*Wednesday, 13th September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### QUESTIONS AND ANSWERS.

#### POLICY OF MILITARY AUTHORITIES IN REGARD TO MILITARY HOSPITALS.

177. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that West Hill is being changed from a British military station to an Indian military station.

(b) If so, is it the intention of Government to transfer the British military hospital to Wellington and replace it by an Indian military hospital ?

(c) If the answer to part (b) is in the affirmative, will Government be pleased to state whether it is the policy of the military authorities to keep separate hospitals for Indian and British forces ?

#### AMALGAMATION OF BRITISH AND INDIAN MILITARY HOSPITALS.

178. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that the Army Retrenchment Sub-Committee appointed by Government has suggested the amalgamation of Indian and British military hospitals as a measure of economy ?

(b) If so, how far has this recommendation being given effect to ?

(c) If the answer to part (b) is in the negative, will Government be pleased to state the reasons for not accepting this recommendation of the Sub-Committee ?

#### AMALGAMATION OF BRITISH AND INDIAN MILITARY HOSPITALS.

179. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Has the attention of Government been drawn to the following note of the Army Retrenchment Sub-Committee on the amalgamation of Indian and British military hospitals :

“ In addition to the financial aspect the majority of us wish to stress the importance of the change advocated from a policy point of view. British and Indian soldiers fight together and are treated together in the field and we hold that the same principle should apply in peace. The abolition of the present distinctions will, in our opinion, make for that spirit of comradeship between British and Indian soldiers which it is of the highest importance to engender ”

(b) Will Government be pleased to state how far has this principle been given effect to and what, if any, steps have been taken to attain the goal ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: With your permission, Sir, I should like to reply to questions Nos. 177, 178 and 179 together.

The company of British infantry at Calicut will shortly be replaced by a company of Indian troops. The non-dieted hospital at Calicut which is at present British, will therefore become Indian ; the hospital at Wellington is a combined one and will remain so.

Government have accepted the recommendations of the Army Retrenchment Sub-Committee regarding the amalgamation of British and Indian military hospitals. About a dozen hospitals have already been so amalgamated ; at 25 other stations, where the number of British or Indian troops is small, the patients are treated in British or Indian wings of the same hospital ; at two others, the hospitals will be amalgamated as soon as funds are available for the reconstruction of buildings. This policy will be continued and put into force as funds and circumstances permit.

#### RESULT OF THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT: I have now to announce the result of the two elections held on the 11th September, 1933.

The result of the election of two Members to serve on the Standing Committee to advise on subjects other than " Roads " and " Broadcasting ", dealt with in the Department of Industries and Labour is as follows :

For the Honourable Sardar Shri Jagannath Maharaj Pandit 35 votes were cast ; for the Honourable Mr. Mahmood Suhrawardy 20 votes were cast ; and for the Honourable Sardar Buta Singh 17 votes were cast. I have therefore to declare the first two Honourable Members duly elected.

#### RESULT OF THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

The result of the election of two Members to serve on the Standing Committee to advise on subjects in the Department of Commerce is as follows :

For the Honourable Sir Phiroze Sethna 33 votes were cast ; for the Honourable Mr. Satyendra Chandra Ghosh Maulik 31 votes were cast ; and for the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra five votes were cast. I have also to declare the first two Honourable Members duly elected.

(The Honourable the President first called the name of the Honourable Rai Bahadur Lala Jagdish Prasad in whose name stood the first Resolution,\* but the Honourable Member was absent.)

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\* " The Council recommends to the Governor General in Council that Indian delegations to International Conferences should in future be led by and composed of Indians alone."

## RESOLUTION *RE* EXPORT DUTY ON GOLD.

\*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan) : Sir, I beg to move :

“ That this Council recommends to the Governor General in Council to place an export duty of about Rs. 3 per ounce on all gold bullion or coins to be exported out of British India and to make it obligatory for the Currency Department to purchase all gold offered at a price to be fixed by the Government of India, the price being about Rs. 80 per ounce.”

Sir, this is so simple a Resolution that it does not require any elaborate arguments to explain it. I may say one word that the position is so rapidly changing that it is different to what it was a month ago, and the figure of Rs. 80 per ounce has become somewhat anomalous. When I gave notice of this Resolution, the price of gold in England was 125s. or 126s. Now it has gone up to 130s. and no one knows how high it will soar. For this reason, Sir, I have made it clear in the Resolution that Rs. 80 is not the material part. That is simply a guidance to the Governor General in Council that the price should be somewhat in the neighbourhood of the English price of gold coupled with the Rs. 3 tax. The reason why I gave notice of this Resolution is that the flight of gold from India is continuing without any stoppage. We had formerly thought that after a certain amount had been exported—the estimate was Rs. 100 crores—all the gold held by the small holders will be exhausted and that this will materially reduce the export of gold. But recent figures of gold export show that instead of this export stopping, there does not seem to be any chance of its becoming less. The necessity of having gold in our Currency Department has been accepted by Government. When the Reserve Bank Committee sat in England they laid down that we must have Rs. 35 crores worth of gold in our currency reserves. That figure, Sir, is unfortunately less than even our gold hoardings at the moment. If we couple the gold hoardings in the Gold Standard Reserve and in the Currency Department, we find that we have got more than the minimum fixed in our reserves. The present suggestion differs materially from the 1928 Bill where it was contemplated that although the minimum was near about this figure, the gold reserve should within a short period be increased. The reason why India has been insisting on an export duty on gold is that at the present moment the finances of the Government of India are not as prosperous as they were before. The establishment of all these sugar mills in India is bound to have a great effect on the customs income from sugar. It is variously estimated that in the next financial year we may not get more than from Rs. 3 to Rs. 4 crores from the import duty on sugar and it may even be less. Then, Sir, as trade returns show, Indian imports too are falling generally. That shows that the purchasing power of the country is on the wane and any reduction in imports tells directly upon the finances of the Government of India because I may say a moiety of their income is dependent upon customs. For all these reasons it is necessary that Government should from now onwards try and find some substitute for vanishing incomes, and the fact that the incidence of this duty will be about 3·75 per cent. shows that it will not be harshly felt by those on whom it falls. Government has always said that people who are selling gold are selling it because they find it a profitable transaction to do so now. Most of the people who sell gold have no income-tax to pay because they are small

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\* Speech not corrected by the Honourable Member.

[Mr. Hossain Imam.]

holders, or even if they are large holders they are not caught in the net because of the fact that gold is not a market commodity except in the case of those people who deal in it. The normal holders of gold keep it as a capital reserve to be drawn on in times of need. This proposal of putting an export duty on gold has received the universal support of all the commercial communities of India, including Europeans, and that ought to have some weight with the Government of India. Now, Sir, we all know that the basis of the currencies of the world is still gold. People have tried to produce any number of fanciful schemes and standards to replace gold but all have proved a failure and in practice gold still remains supreme as the one standard by which international settlements can be effected. India must take into account the fact that it has got on its shoulders an enormous burden of outside debt, which it has got to liquidate now or on some future date. We cannot continue to go on paying interest on our sterling debt and let it grow. Europe has had fearful experience of reparations and war debts and it has been found impossible to continue to make payments in currencies outside gold ; when there are no purchasers, payment in specie becomes impossible. But now we have the unique opportunity of amassing a reserve of buying gold against our own currency which we have never had. Gold whenever it came to India before used to go at once into hoards from which it was impossible to get it out. It was always a foregone conclusion and an economic certainty that gold which went into hoards went out of circulation and was as good as if it had been sunk in the sea. But with the changing times and the present economic blizzard we have had to change our tactics and we are now throwing out gold at a rate more than double the rate at which we used to take it in. Our usual rate of absorption for the last eight to ten years, before we started selling gold, was about Rs. 25 to Rs. 30 crores per annum. Now we are selling at enormous pressure. If the Government ever requires any external currency it is always in difficulties because unless it has an export surplus it cannot find money to pay for outside commodities. If we had gold in our reserves we could at any moment we desired have paid back our outside commitments without straining our external resources. Another factor which is very surprising is that, although we have sold gold to the value of Rs. 150 crores, the currency in circulation has not increased materially. When we went off the gold standard the currency in circulation was a little less than it is now. It is probably about Rs. 20 crores more now than it was on the 1st September, 1931. But there is another equally important factor, namely, that during this period a large amount of rupees in circulation has come back to the Currency Department. Had our currency been managed on business principles I am sure more currency would have been thrown into the market than the Government has done. They will retort that even without sending out any additional currency they are getting cheap enough money in the treasury bills market. But that market is monopolised by bankers because, as industries are at a standstill, they do not find any market for their money and they therefore go in for these short term treasury bills as liquid resources which formerly used to lie more or less idle. The amount of treasury bills too is always changing. The treasury bills outstanding at the beginning of June were at a low estimate about Rs. 14 crores. Now they have gone up to Rs. 29 crores and Government has gone out of its way to

contract further by giving ways and means advances from the Imperial Bank. Our point, Sir, is that if we had wanted to increase the internal prices on which depends the well-being of the agriculturist it was necessary that there should be some inflation.

The next part of my Resolution is particularly connected with this aspect of the matter. We wish, Sir, that the Government should purchase all gold that may be offered to it at a reasonable rate which would be in parity with world prices, coupled with this Rs. 3 per ounce tax. Now, Sir, the Government is always prone to say that if they were to purchase gold they would have to find money and it would be an unremunerative reserve because there would be no yield, whereas if they purchase sterling they have this advantage that they get some little return. Be this as it may, one cannot blind oneself to the fact that England's policy is opposed to this. Since going off the gold standard the Bank of England has increased its gold reserves by 58 per cent. from the 21st September, 1931 till the end of August, which is the last figure I have. They had £120 millions in gold at the time when they went off the gold standard and now they have got £190 millions of gold. What has our Currency Department done in this respect? Have they added any material amount of gold to our reserves? What is good enough for England is I aver good enough for India. When we wanted to have a State Bank we were told that the Bank of England which is a shareholders' bank has been the saviour of English finance, because it was a shareholders' bank. Can we not now turn back on the Government and say that if that example is good enough for us, if that is a reasonable proposition not to have a State Bank, is it not a reason at the same time that the Finance Department should copy the example of the Bank of England. The Bank of England had to pay the price of gold not in sterling but in outside currency, because there was no gold forthcoming from England itself. What gold the Bank of England has got has been bought from outside countries, with the result that money had to be found in other currencies than English for payment. Well, we have gold at our door at the price at which we can purchase it and in the currency in which we can pay, and still we are frightened.

Now, Sir, I should like to show how the Government could easily have purchased gold without throwing any burden on their finances. If the Government were to increase note circulation against gold securities, it means they would be adding nothing to the burden of India. If they purchased a crore of rupees worth of gold, they could issue notes of that value and place that gold in the reserve, and the difference could easily be met. Gold in our reserve is counted at the old rate which was—I forget the exact figure—on the parity of 1s. 6d. gold, and therefore the difference could be made up by adding *ad hoc* securities and we would not have had to find a single penny out of borrowed money. We could have purchased gold and thrown more currency into circulation and thereby increased the internal price and at the same time have amassed a reserve for eventualities, for evil times that may come up. And here I should like to draw the attention of the Government to this. With all this gold going out of the country, with sterling offering week after week much more in excess of the demand, what has happened? In 1933 the Government of India contracted a new sterling loan. India has been protesting times out of number that the sterling debts should be reduced. Now the Government

[Mr Hossain Imam.]

does not publish the amount of sterling that has been tendered. Formerly they used to publish the figures by which we could understand the position. Now the only information that is given is that so much sterling was offered at such a rate and that lower rate tenders were rejected. They do not say what was the exact amount of sterling which was offered. This shows that the Government is not taking advantage even of its pronounced policy of purchasing sterling. Our complaint against the Government is not only that it is not purchasing gold, but it is neither purchasing sterling and thereby made no effort to reduce the burden under which India is groaning. Now, Sir, as regards the fixing of price, as I said at the beginning, my idea was that if Government should have complete control over this business with only this proviso that it should not be so much below world parity, it would be impossible for anybody to sell gold to the Government. It should be a little profitable for the man to sell it to the Government of India. I know the stereotyped reply of the Government that we must wait till the new reforms, till the Reserve Bank comes in. Knowing that I have brought forward this Resolution simply to get an explanation from the Government, to see what explanation they have to give for the charge that was placed in their hands and what they propose to do.

With these few words, Sir, I commend my Resolution to the House.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I move my amendment :

“ That for the original Resolution the following be substituted—

THE HONOURABLE THE PRESIDENT : The Honourable Member's proposition is not an amendment. It is a substituted Resolution in place of the one moved by the Honourable Mr. Hossain Imam.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : Yes, Sir. My substituted Resolution reads thus :

“ This Council recommends to the Governor General in Council to impose heavy ‘ export duty ’ on all gold bullion or coins to be exported out of British Indian ports for stopping the flight of this metal from the country and to make it obligatory for the Government to purchase all gold offered for sale at a reasonable price to be fixed by them.”

Sir, in moving this substituted Resolution I do not like to go into all the details of the history as to how the rupee was divorced from its linking with gold. I do not also like to go into the reasons why the United Kingdom went off the gold standard in 1931, and why and how the rupee was linked with the sterling. These are past histories. But I could not but mention these as the flight of gold from this country really began since England went off the gold standard in 1931. Sir, most other countries in the world are putting an embargo on the export of gold from their countries and India is one of the unfortunate countries where it is being allowed to be exported in unrestricted quantity. Sir, with the talk of the Reserve Bank in the air and with the demand of stability of credit, India requires gold for having a stable currency. If this distress gold is allowed to be exported from the country as it is being done now, the time is not far distant, when Rs. 700 crores worth of gold which the Honourable the Finance Member estimated to have been stored in India during the 30 years preceding 1931, will be exhausted. Already about Rs. 150 crores worth of gold has been exported out of India during the past two years. Fur-

ther, once Indian distress gold is out of the country, it will have far-reaching effects on the country. If the draining of gold goes on at the present rate, I think it will not be long when India will only be left with paper currency without being backed by gold. Sir, if that position is reached, it will not be a very rosy picture for India's credit. The poor holders of small quantities of gold in the shape of an ornament or two are disposing them off not for the purpose of making a profit but are duped to sell them off by the higher price that is being maintained by outside influence. No country in the world desires such gold to be spirited away to other countries. Further, if the Indian administration is to have a full fledged central Reserve Bank they require gold and it is time that by putting an embargo on the export duty of gold and purchasing it on behalf of Government they can save the Indian gold and also improve the position of the proposed Bank. Sir, I would not have moved my amendment but for the fact that I wanted to give a free hand to Government as to the rate of export duty to be imposed and the price at which it is to be purchased in the market. My Honourable friend the mover of the Resolution desires to fix the duty to be imposed at the rate of Rs. 3 per ounce. I do not subscribe to the proposition for the reasons that the rate proposed might or might not achieve the object in view. No one is certain about the price of gold which is changing day to day and there will be no wonder if a higher duty is required to achieve our object. For these reasons I desire to leave the fixing of the rates of duty and purchase price on the authorities who will handle the question on behalf of Government.

THE HONOURABLE THE PRESIDENT : Motion moved :

" That for the original Resolution the following be substituted :

' That this Council recommends to the Governor General in Council to impose heavy ' export duty ' on all gold bullion or coins to be exported out of British Indian ports for stopping the flight of this metal from the country and to make it obligatory for the Government to purchase all gold offered for sale at a reasonable price to be fixed by them ' . "

The debate will now proceed on both the Resolutions.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadian) : Sir, I rise to support the Resolution moved by my friend, Mr. Hossain Imam. I regret I cannot support the substituted Resolution which has just been moved for one particular reason. It is this, Sir, that in the original Resolution my friend has mentioned a particular figure, that is Rs. 3 per ounce, which he wants to be levied as an export duty, while in the substituted Resolution there is no mention of any figure. It is just possible Government may accept the spirit of the Resolution and propose a nominal export duty. Sir, the mover of the Resolution was very moderate in proposing this rate which I believe ought to be Rs. 5 per ounce because now we think that enough gold has been exported from the country and there ought to be some check.

Sir, there are many favourable points also which have come out of the export of gold. I do not know if the financial pandits—I mean my friend Mr. Taylor or the Member in charge, Sir George Schuster—prophesied it to the extent which the results have shown. Certainly, as far as I think they never expected the results which turned out in the year 1932-33 and I must not leave them without mentioning here as these are some of the favourable points so far as this policy of the Government is concerned. Sir, the trade balance



[Rai Bahadur Lala Mathura Prasad Mehrotra.]

for the year 1932-33 was Rs. 3·38 crores in favour of India which is the highest figure since 1922-23 and the country could meet its external commitments by exporting gold amounting to about Rs. 66,84 lakhs. About 16½ million ounces of gold was exported during the last two years and the net export of gold during the last year, that is 1932-33, was 8,354,000 ounces valued at about Rs. 65,52 lakhs. Sir, besides that, there are other results on account of the export of gold. The credit of the Government has enormously increased which was due to the fact that the money invested in gold became free and on account of the trade depression in particular people thought it better to utilise it in investing in Government paper. Sir, the result was that Government was able to borrow short funds at extremely low rates of interest and they were also able to fund a substantial proportion of their short term commitments on a long basis at very favourable rates. So far as treasury bills are concerned, Sir, the outstanding figure for March, 1932-33 amounted to Rs. 26 crores as against Rs. 47½ crores in April, 1932. Thus we find that treasury bills were also enormously reduced. At the same time their rates were also greatly reduced because at the beginning of the year the average yield per cent. on three months bills sold during March, 1932, was 5·44 and at the end of the year they fell to 1·36 per cent. Thus in this year there was a very appreciable reduction in the rate of interest on treasury bills. But with all that, Sir, what we find is that the price of gold is increasing in foreign countries and consequently the flight of gold is also increasing every month. Sir, if this is not to be stopped I do not know what will be the condition of India. The continued flight of gold which has been accelerated is draining the reserve strength of the country and yet there is no indication that the Government propose to take any action to prevent this drain of the life-blood of the country. Sir, it is but proper that now with the establishment of the credit of the Government as I have stated they must put some check so that the time may not come when India may be devoid of gold. I do not say, neither does the Honourable mover of the Resolution want, that it should be totally stopped. What we want, Sir, is that some check should be put so that the flight may not be at the rate at which it is being done at present and therefore, Sir, I support the Resolution whole-heartedly and hope the Government will accept it.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I find a certain amount of difficulty in understanding precisely what the mover and supporters of this motion are driving at. In the first place, the Resolution asks the Government to impose an export duty with the object of enabling us to get revenue or of stopping the flight of gold. Now, these two objects are inconsistent. In the case of such a product as piece-goods, if we impose an import tax, a tariff of a certain height will shut out a certain amount of the traffic but will allow others to come in—certain qualities will come in and others will be shut out. But gold is so highly standardised that at any particular price we will either have to acquire the whole of it or to let the whole of it go and we are told that purchase will be obligatory. Therefore, it seems inconsistent to me to bring forward arguments about Government revenue being increased. In any case, as regards Government revenues, I am obviously not in a position to say anything. It is a well understood administrative rule that a customs tax cannot be discussed in advance or in general terms. Any

breach of this rule would obviously give rise to absurd speculative rumours. The subject can be discussed at its proper time, namely, during the budget discussions, and it was so discussed. I therefore do not intend to say anything about the question of an export duty from the point of view of revenue.

We now come down to what is the essence of the Resolution, and that is, that the mover of the motion and the mover of the substituted motion and their supporters wish Government to buy gold, and in order to enable Government to get it a little cheaper, they would like to put a duty on it. Here again there seems to be an inconsistency. I found great difficulty in listening to the speeches to understand whether they thought that it was a good thing or it was a bad thing that India was parting with this gold. If it is a good thing then obviously we do not want to hamper it by the imposition of an export duty. If it is a bad thing, then the duty, as the Honourable the mover of the substituted motion said, ought to be prohibitive. There was one point in what the Honourable Mr. Hossain Imam said which, I think, goes to the root of the matter. He said, and very correctly, that India is a country with a large foreign debt. That is the difference between the British Government and the Government of India. Though the British Government has debts in America, as you know, they present a problem of a different character to our definite and recognised commercial debt.

What are these debts of the Indian Government ? They are sterling debts, and for that reason, it pays us not to build up useless reserves in India but to build up our reserves in sterling. Our liabilities are in one currency only and it obviously pays us to acquire that currency when the opportunity offers. The Honourable mover then turned to the question of currency expansion or inflation, and though he was apparently confining his arguments to gold, in reality his criticisms were an attack on our whole currency system and there I must join issue with him not only on the merits of the question but also in view of the time which he has chosen to make this attack. In the last few months there has been a representative Committee in London on which no less than three Members of this House were sitting which framed certain proposals for Reserve Bank legislation which will be put up before you in the course of the next two or three days. On certain points there was dissent but on others there was unanimity and one point on which there was unanimity was that in the present state of unparalleled conditions throughout the world there was no other practical course open to India but to remain on a sterling standard. I would like to read what they said :

“ In the present stage of monetary disorganisation throughout the world it is impossible to incorporate in the Bill provisions which would necessarily be suitable when monetary systems have been recast and established. In these circumstances—

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Sir, were they elected Members or nominated Members ?

THE HONOURABLE MR. J. B. TAYLOR: The Honourable Member knows what the composition of that Committee was.

In these circumstances we consider that the only sound course for India is to remain on the sterling standard ”.

Now, Sir, if India is to remain on the sterling standard, and I submit that there is no other course which is practicable at the present time, the

[Mr. J. B. Taylor.]

question of inflation does not arise. It is possible to inflate or to contract just as easily against sterling as against gold or in any other way, but as long as we maintain a fixed ratio with sterling inflation is impossible except in so far as we purchase sterling. The Honourable Member said we were not purchasing sterling. We have already in the present year purchased over 18 millions, much more than we have been able to do in the slack season for many years past.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member enlighten us as to what was the amount of gold exported during this time ?

THE HONOURABLE MR. J. B. TAYLOR : I have not the figures at my fingers' ends, but they are available in the *Indian Trade Journal*. In any case that is not the point. The point is that he accused us of standing out of both the gold and sterling market, an allegation which is palpably contrary to the published facts.

Now, Sir, if we accept the recommendations of the Reserve Bank Committee on this question and remain on a sterling standard, what is the object of purchasing gold ? Such gold could only be purchased as a speculation. The Honourable Member himself explained that the figures which he had to prophesy in his Resolution are now inapplicable, and even the figures which he gave have gone out of relation to the facts in the last 12 hours. He quoted the price of gold as 130s., but I think that it is now down to 128s. 5d. What object would be served by the Government of India buying at different prices from day to day in a wildly fluctuating market the most speculative commodity in the world when we have got a plan already laid down which we can follow simply and with advantage to the country ?

There is only one real point in this whole question, and that is whether the export of gold is of advantage to India or not ? The expression "flight" has been used. I do not know why people talk of a flight of gold any more than they talk of the flight of coal, of jute, or manganese ? The gold belongs to private individuals. They are not giving it away for nothing. They are getting something in exchange which they obviously prefer to gold ; otherwise they need not sell it, and that, I submit, Sir, is of immeasurable advantage to the country. It is not a fact, Sir, that a country which is on a gold standard and which has masses of gold necessarily has advantages in comparison with others. In France, they had to float a loan the other day at a rate of  $4\frac{1}{2}$  per cent. at par repayable with a ten point premium in ten years, which means that they are borrowing at  $5\frac{1}{2}$  per cent. and yet France is bursting with gold, whereas we are able to borrow under 4 per cent. Why ? Because the unlocked hoards of gold which are spreading their fertilising stream round India are enabling us to stand up to an unparalleled economic depression.

Sir, I hope, not only because this question is going to be examined by the Legislature in the immediate future in connection with the Reserve Bank Bill but also on its merits, that this House will reject the motion.

\*THE HONOURABLE MR. HOSSAIN IMAM : Sir, it has come to me as a surprise that the Honourable the Finance Secretary has rejected my motion.

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\* Speech not corrected by the Honourable Member.

With all his flight of fancy I thought perhaps he would have had some arguments with which to meet my case. Because of the fact that England does not owe any foreign debt therefore it can amass gold, and because of the fact that we have got external debts, therefore we cannot afford to have any gold reserves in our own country—this argument strikes me as rather flat.

I was really surprised when the Honourable Member said that imposing an export duty and also purchasing gold were incompatible. The moment the Government wishes to purchase gold it can by fixing a price make it profitable for exporters to sell it to the Government of India, and when it does not wish to purchase gold on any day it can bring down the buying limit and thereby establish the outflow again. It is for this reason that I have not suggested any fixed ratio for the purchase. My submission was that the Government of India should have perfect latitude to purchase gold when they want and to get money for their finances whenever they wish. A cursory glance through the figures tells us that had the Government imposed an export duty, according to my figures up till this moment they would have received something like Rs. 5½ crores. Would that have come amiss? Are the finances of the Government of India so strong that they do not require any money? Now, Sir, if they were to approve of my proposition it would have the result that they could have in the next financial year about Rs. 2 to Rs. 2½ crores income from gold exports. My idea was to help the Government and when the Honourable Mr. Taylor cited to us the fiat given by the Reserve Bank Committee in England I was really surprised. No one has suggested that we must return to the gold standard again. There is perfect unanimity, as was shown in the discussions in the Assembly in 1931 during September when we first went off the gold standard, on that point. Every one in India agrees that the policy of going off the gold standard was the right one. And afterwards the only difference of opinion was about the linking of the rupee to sterling. And here I will remind Honourable Members of what the Government of India itself did. When it issued its first Ordinance it did not attach the rupee to sterling. It simply went off the gold standard and left the rupee to find its own level, and if that had been adhered to we would have had no reason to complain against the action of Government. But the people of India and the Government of India were both overruled by the great autocrat of Whitehall. Well, when I said to my Honourable friend that he was standing out of both the gold and sterling market, he told me that we had purchased £18 million worth of sterling. When the Honourable Sir George Schuster gave us in his elaborate speech figures as to how our gold exports have been accounted for from the beginning of September, 1931 till the end of December, 1932, after taking into account everything, he had to admit that there was some small amount which had to be represented as money invested by the outside public in India which has been returned. That is a small thing, Sir. That money had come to India when we were paying 6 and 7 per cent. on treasury bills, and even after that some small sum remained over of which no account could be given. Looking into the figures, Sir, you will find that for these eight months of 1933 again the same thing has happened. The Government has neither purchased gold nor gone in for sterling. There is no doubt that if the Government were purchasing sterling as much as it was they would not be able to purchase at the

[Mr. Hossain Imam.]

premium at which they have to. But the question is whether for the sake of that small premium of 1/32 it is worth while to take additional loans, such as the £12 million sterling loan we took in 1932 which could very easily have been found from India and at a time when Indian money was cheaper than it was in the English market. That shows that the Government of India has not been thoughtful and have always taken care to live in a paradise of their own and not care about what is happening to us. It is a well known fact, Sir, that financiers think that there is nothing to compare with what has been done in the past. They are wedded to the old ways. They believe that conservatism in finance is the best policy. But world opinion is now changing and it is demanding that finance should no longer remain a preserve of old-fashioned old men. Innovation is demanded and the infusion of new life in financial methods. Professor J. M. Keynes who has often been quoted by Sir George Schuster has also condemned the policy of financiers who are unwilling to change their ways in changing circumstances. I, Sir, do not find the attitude of Government either satisfactory, considerate or even open. Their sole ground for standing out on this is that, no matter what the advancing world may think, they know they can rely on the support of this House, which it is always ready to give to all its policies. For that reason they are ready to face the issue and to face it with unconcern. We, Sir, have no option but to press this Resolution to a division.

THE HONOURABLE THE PRESIDENT: As the substituted Resolution has received no support from any section of the House it is not necessary to consider that Resolution. I shall therefore put the original Resolution to the Council.

The question is :

“That this Council recommends to the Governor General in Council to place an export duty of about Rs. 3 per ounce on all gold bullion or coins to be exported out of British India and to make it obligatory for the Currency Department to purchase all gold offered at a price to be fixed by the Government of India, the price being about Rs. 80 per ounce.”

The motion was negatived.

#### RESOLUTION *RE* UNIVERSITY TRAINING CORPS.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move :

“That this Council recommends to the Governor General in Council to issue instructions to the authorities concerned to give adequate support and ample opportunities for the expansion of University Training Corps all over India.”

Sir, the subject of this Resolution is of particular interest to all persons and I regret that as I do not know much about military education I may not be able to deal with it as thoroughly as some of my friends in this House who have got military training could do. Sir, whatever I shall place before the House I hope they will regard it as the views put forward from a layman's point of view and not from the military expert's view point. The object of the Resolution is quite clear, that is, to expand the University Training Corps ; and I

have worded it in such a way that Government may not find it difficult to accept it.

Sir, when the University Training Corps was introduced in our Universities, there was a feeling of revolt against it as in the case of the introduction of all new reforms, whatever good qualities they might possess. For instance, I may remind Honourable Members of this House that when the inoculation for plague, cholera and small-pox was introduced, in spite of the fact that they were very beneficial measures there was a revolt against them, and so, Sir, also in the case of the University Training Corps there was a revolt both from the guardians and students. But during the course of the last few years when they saw its utilities and advantages it became very popular, so much so that there is a growing demand from all the Universities to expand military training. Sir, leaving aside military education which it gives, it helps a great deal in moulding the character of students and I would mention here some of the advantages which it gives to those who join the University Training Corps. Sir, it is definitely established that it raises the standard of students and makes them of a finer type. It teaches *esprit de corps* as well as team work; and over and above all these things it develops a habit of good discipline towards their superiors. It helps to build up character before entering into life, as also determination and courage of conviction. It keeps students busy and away from useless and subversive thoughts. Then, Sir, the most advantage that it gives to them is that on account of handling arms and the musketry exercises; it develops the muscles, makes them strong and of good physique and bold and courageous, self-reliant and always prepared to face odds.

Sir, during the last civil disobedience movement the students who had joined the University Training Corps practically did not take any part in the movement. I may here remind the House of the speech that was delivered by Major-General Hay at the last inspection of the University Training Corps at Lucknow on the 6th February, 1933. He especially laid great stress on the fact that students of the University Training Corps have practically taken no part in the civil disobedience movement. Sir, so far as my province is concerned, I am aware that all the Universities, Lucknow, Aligarh, Allahabad, and Benares are demanding for the expansion of the University Training Corps, and they have repeatedly passed resolutions in their meetings of the Courts and Senates specially requesting the Government to expand their University Training Corps; if not much, at least to the extent to which there is a pressing demand. Sir, in support of this point I would draw the attention of Honourable Members of the House to a remark in the General Report on Public Instruction in the United Provinces of Agra and Oudh for the quinquennium ending March 31st, 1932. In that report the Government says about the Allahabad University that the corps maintained its full strength of 148 members, that the demand for an additional company continued, that there was enthusiasm for military training and that a number of extranumerary students received military training in the hope of being enrolled at a later date. So far as the Benares Hindu University is concerned, they have made pressing demands for the expansion and have gone to the length of saying that they would meet the recurring expenses from their own funds. Sir, there are about 3,500 students on their rolls and they can admit only 119 into the University Training Corps. The present sanction is for three companies only and what they want is a full

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

battalion. They go to the length that if Government is prepared to start and equip them in the beginning they will try to maintain it in later years and meet the recurring expenses. They also mentioned that they were prepared to employ ex-service officers and pensioned instructors. I do not know whether this is allowable according to the Army Act: but in laying stress on their demands they went to that length as well. Sir, I may quote one more instance from Patna. As far back as 1931 the Vice-Chancellor of the Patna University, Mr. Langley, mentioned in his convocation address that the University Training Corps was not receiving the encouragement which it should receive from Government. He said that:

“The corps has the maximum strength and has a long waiting list for admission. Its sanctioned numerical strength could with advantage to all be considerably increased, but the authorities are not willing to grant the requisite sanction”.

By giving a few illustrations from the demands of the Universities, I meant to show to Government that the demand is growing in all the Universities and what they want is that it should be expanded at an early date. We all know, Sir, that the University Training Corps has already supplied a better type of candidates to the Indian Army through Sandhurst and Woolwich. Now, Sir, we are aware that a new opening has been made in the establishment of the Military Academy at Dehra Dun and I would urge with all the emphasis at my command that every facility should be given for the admission of the students who have acquired military education in University Training Corps at their respective Universities. After all, they are a better type of candidates. They at least know the A B C of military education in comparison with the new candidates. And therefore, Sir, it will be in the fitness of things if the Government would be pleased to fix a certain percentage and limit it for the candidates coming from these Universities after their military training.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : If they are a better class of people, why cannot they join in the competitive examination at the Military Academy ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, when I mention this I mean that there must be some fixed percentage for their admission, say 10 or 20 per cent. and the door should be open to them in India as well.

Sir, only on the 7th of this month, Mr. Misra, a Member of the Lower House, moved a Resolution particularly drawing the attention of the Government to the necessity for increasing the number of admissions into the Military Academy at Dehra Dun. And I was very much surprised to read the answer received from the Military Secretary. I am simply mentioning this because the underlying policy of increasing the number of admissions to the Military Academy at Dehra Dun or expanding the University Training Corps is practically the same. The object is that there should be an acceleration in the pace of Indianization in the Army. The Army Secretary in answering that Resolution said—

THE HONOURABLE THE PRESIDENT : Order, order. You must not refer to what has happened during this session in the other House.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I bow to your ruling, Sir. As I was saying, our object is that there should be a speedy Indianization of the Army and that the University Training Corps is one of the greatest factors in achieving the object. It is very well, Sir, if the British Imperialists do not want to surrender power into the hands of Indians, we can understand their unwillingness to speed up the process of the Indianization of the Army but it is very unfair to draw adverse conclusions about the military fitness of Indians by saying that suitable men are not found.

Then, Sir, I will also place another important point before the House. It is this, that if the University Training Corps are expanded according to the demands of the Universities it will also result in great economies. At the time of war when our armies go out of India these University Training Corps men can work for the internal defence of India and they can very well replace them in times of emergency so it is not necessary that the number of regular forces be kept at the level fixed before 1857, that is, the time of the Mutiny. The point, Sir, is this that the ratio of British and Indian forces is still being maintained as it was fixed then and if the University Training Corps is expanded it will greatly help in that way also.

Sir, I cannot reconcile the present military policy of the expansion of the University Training Corps or more admissions into the Military Academy at Dehra Dun with the chief objection raised—

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : On a point of order, Sir. Surely that is irrelevant to the question ?

THE HONOURABLE THE PRESIDENT : I was just going to say that the Honourable Member is digressing from the subject of the Resolution.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I am only developing my arguments. I am not laying stress on that point. It is by way of expanding the point that I have mentioned. On the one hand, we are told that it is impossible to accelerate the process of Indianization of the Army, which is proceeding at a snail's pace, owing to the dearth of suitable men. On the other hand, Government refuse to provide adequate opportunities for our young men to get military training. We believe that even in the present circumstances there is no dearth of suitable men in the country and that if only Government had the will nothing would be easier for them than to Indianize the whole army within a quarter of a century.

Sir, before closing my remarks I would remind the House of a sentence of the Shea Committee's Report in which they said that the University Training Corps should be treated :

" as a potential source of supply of candidates for the Regular Army and that no artificial limit be set to the expansion of that corps ".

So far, however, the Government have not chosen to act on the recommendation of the Shea Committee and I have brought this Resolution to urge the public demand as also to draw their attention to this particular recommendation of theirs.

With these words, Sir, I commend my Resolution to the acceptance of this House.



THE HONOURABLE SARIDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay : Non-Muhammadan) : Sir, I think I should not give a silent vote to the question raised by my friend, the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra, as I sincerely believe that the real beginning of the Indianization of the Army should proceed from the University Training Corps. These University Training Corps, as everybody knows, consist of the cream and the flower of youth of this country, who come from either the upper middle class, or the richer classes, and who are sufficiently educated to stand comparison with any recruit for the military colleges of the United Kingdom and elsewhere. Sir, these corps should be expanded and trained in such a way that they should form the recruiting ground for the military officers of the country. This view is not only my view, but it is shared by a large section of the Indians. As far back as 1925, a committee was appointed to make suggestions for the improvement and expansion of the Indian Territorial Force, and the removal of racial distinction in the constitution of the non-regular military forces in India, including Auxiliary Forces. That Committee submitted its report in February, 1925, and amongst the various recommendations made by the Committee, there was one concerning the University Training Corps. With your permission, Sir, I may quote it. It runs as follows :

“ The University Training Corps be viewed as the foundation stone of the National Army, and that no artificial limit should be set on the expansion of these Corps ”.

Further on they stated that encouragement should be given to the formation and development, on sound lines, of fresh contingents in all Universities and Colleges where they do not exist. This is not all, but they went on adding, in the course of the same report, that it should be recognised to be the recruiting ground for officers and later also, as a potential source of supply of candidates for Commissions in the Regular Army. In order to achieve the fullest benefit, the Committee suggested the establishment of cadet corps in all schools in India. There were multifarious other suggestions, by which such forces could be expanded in the different sections of the defence. To my mind, Sir, it can be expanded by the formation of electrical and mechanical companies, medical and veterinary units, formation of signal sections, formation of pioneer companies of sappers and minors, and the formation of cavalry and artillery sections, as well as by the formation of companies of Air Force cadets.

As far as I am aware, all the existing University Training Corps are proving quite successful and a number of their cadets have got honorary King's Commissions. But unfortunately, owing to stinted Government grants to such corps, and owing to the apathy of the Government and the military authorities, the expansions are not taking place in these corps as rapidly as they should have done, in all these years.

With these words, Sir, I accord my full support to the Resolution.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, I feel like the Honourable mover that, being a layman and not being acquainted with the military administration of the country, anything we may say may not be considered to be a pronouncement with

expert knowledge on the subject. But what I really feel is this, that the University Training Corps, to begin with, was formed for its educational value. Cadets were never thought of being made liable to join military service. It was more or less to have an educational function. If that is so, I do not see how the University Training Corps could compete either with the Military Academy at Dehra Dun or the Military College at Sandhurst. Apart from that, Sir, I do not understand what my friend means by saying that Government should give adequate support and ample opportunities for the expansion of the Training Corps. As a matter of fact, I find from the rules about the University Training Corps that all the Universities of all the provinces have got about a battalion each and I do not know if, except perhaps at Patna about which the Honourable member quoted from the report of a speech, the full battalion has ever been completed.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : What about the Benares Hindu University ?

THE HONOURABLE MR. BIJAY KUMAR BASU : I was just going to tell you that my experience is confined to the Calcutta University Training Corps. In former days, in 1921, the lay public used to have the good fortune to see the University Training Corps on two occasions during the year, once on the 1st of January, at the time of the New Year's Parade, when these gentlemen turned out in their khaki shorts and shirts and displayed themselves on the Maidan, and the next time at the time of the University Convocation when they furnished a guard-of-honour to the Chancellor. I think for about four or five years now I have not seen them either at the New Year's Parade or providing a guard-of-honour to the Chancellor on Convocation Day.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : They did provide a guard-of-honour in 1931.

THE HONOURABLE MR. BIJAY KUMAR BASU : They did not provide a guard-of-honour in 1932. My information is—I do not know if it is correct ; I should be glad if it is not—that the Calcutta University Training Corps has the sanctioned strength of one battalion, that is to say, four companies. In 1921, when they first began, they had, I understand, a full battalion. At the present day the strength consist, I suppose, of two companies only, that is, half a battalion. If the corps had been as popular as my friend paints it to be, do you think there would have been a lack of men to form the whole battalion ? I should have thought not. The whole trouble, to my mind is we have not got, at least in Calcutta, that material which could be utilised to form a University Training Corps so that it may be a training ground for officers for the Regular Army. I understand that you have a Central Advisory Board for the University Training Corps and Provincial Advisory Boards for the University Training Corps and Unit Advisory Boards attached to every unit, and one of the duties which these Advisory Boards have to do, I understand, is to popularise the movement. I do not know, but I have never found any member of any of these Boards raising his little finger trying to popularise the movement or helping recruitment. I have never found in Calcutta anybody holding a public meeting explaining to the younger generation the benefits of a military training under the University Training Corps.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Why don't you do that yourself?

THE HONOURABLE MR. BIJAY KUMAR BASU: I am only urging that it is the duty of the Advisory Boards and they are not doing it. It may be also a public duty which I feel that I have not done. I plead guilty to your soft impeachment. (Laughter.)

My friend talked about the University Training Corps developing *esprit d corps* and all that sort of thing. Every disciplinary training, I think, develops *esprit de corps*. Even in a sports organisation you develop *esprit de corps*. Except perhaps in the Legislatures, everywhere where men gather they develop *esprit de corps*. That is not a special feature of the University Training Corps or of any particular organisation.

Another point, Sir, which I thought was brought up with some amount of reason in this discussion is the mention of the civil disobedience movement. We are told by the Honourable mover that one of the greatest benefits that was derived from the University Training Corps was that students who had joined this corps did not join the civil disobedience movement. I am not in a position either to accept the proposition or to contradict it. But I should have thought that the remark was too wide to be accepted without a challenge. Sir, if I may be permitted to speak in colloquial language, I think that you cannot have omelettes without breaking eggs. But first of all it is presumed that we have the eggs. If we have the material certainly expansion will be welcome but it is for the military authorities, I mean the experts, to say whether we have the proper materials or not. I should have thought that this matter should have been left over to the military experts, who have been in very close touch with University Corps as well as the Indian Territorial and other Forces. They would be able to judge and to tell us if it is possible to get better recruits, and a larger number of recruits if there was an expansion. Already I understand that the Government of India spends more than Rs. 1 lakhs a year for this movement. If that is so, I think that the time has come for us to take stock and find out if we are getting our money's worth.

There is only one other matter to which I would like to refer to and that is my friend's allusions to the Indianization of the Army. When I read this Resolution I admit that I could not see the very remotest connection between the Resolution which we have before us and the question of Indianization of the Army. But if, as my friend says, officers will all be taken from the University Training Corps and that will facilitate the Indianization of the Army, then in that case I think the Government ought not to spend money either on Dehra Dun or on Sandhurst, since the University Corps can furnish us with all the officers required!

Sir, there is another small feature about the University Training Corps to which I would like to draw the attention of this House. I will try and find the regulation about it because it struck me as rather queer.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Nawab Malik Mohammad Hayat Khan Noon.)

Sir, I cannot find the regulation I want but I remember that a different standard is laid down for the University Training Corps from that for the Regular Army—I mean there is a power to relax chest measurements, heights, and that sort of thing in the case of people entering the University Training Corps and the Regular Army. The former are not expected to have the same physique. If that is so then I do not see how they will be able to replace the officers of the Regular Army because they will not conform to the physical standards laid down for the Regular Army which is thought to be one of the essentials of the Army.

Sir, I think we should leave this matter to the military authorities and not press the Resolution to a vote.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, in the first place I should like to congratulate the Honourable mover of this motion. He was very humble with regard to his knowledge of this subject. He labelled himself a layman, but I find that he knows a lot about it. Unfortunately he has based his facts on, I think, a misapprehension and I should like very briefly to give you a summary of those facts as briefly as I can.

The University Training Corps were raised primarily with a view to obtaining recruits for the officer classes in provincial and urban units of the Indian Territorial Force, and, secondly, to stimulate a martial spirit amongst those who do not join the Regular Army.

(At this stage the Honourable the President resumed the Chair.)

The number of these Corps has been increased as a result of the recommendations of the Shea Committee from eight in 1925 to 11 now. A full battalion at the present moment costs about half a lakh of rupees a year, and the total expenditure on them at present is about Rs. 5 lakhs a year. Well, now I just want to tell you briefly the conclusions we have come to since these University Corps got going. As a recruiting ground for officers the University Training Corps have almost entirely failed to serve their purpose, and they are of course of no direct military value of any kind; even from the educative point of view, the results achieved have been disappointing. I have looked up the figures for the past five years and I find that out of all the 11 contingents during that period only one or two have ever succeeded in reaching their full authorised strength and many of them have consistently remained well under strength. At the present moment according to the total authorised strength we are about a thousand short throughout India amongst these 11 University Corps. Now this shortage is particularly noticeable in Calcutta and Madras. Bombay, the United Provinces, the Punjab and Delhi have been better, but it seems that there is no very spontaneous desire for this form of service in those parts of India which do not contribute a large number of recruits to the Regular Army. Now, Sir, I think the Honourable Member has implied that this is the fault of the military authorities and that we have only to provide ample opportunities and issue instructions of some kind in order to see flourishing University Training Corps springing up all over the country. I cannot for a moment accept the justice of that charge. It is true that the Shea Committee recommended that no artificial limit should be set to the expansion of the University Training Corps, but I would invite the attention of Honourable Members to the following passage at the end of paragraph 17 of their report.

[His Excellency the Commander-in-Chief.]

Portions of this paragraph have already been quoted by two Honourable Members, but unfortunately they have left out the most important part of it.

“ If this movement is designed to lay the foundations of India's national army, the people of India must make themselves responsible for its success, and it must lie with the non-official leaders of the people even more than with the Government to foster its growth. It should devolve upon the leaders of the people to bring forward recruits, to guarantee their suitability for enrolment, and to ensure their attendance for training, the responsibility of the Government being confined in the main to the military training, and the military and financial administration of the force ”.

In order to help this object a system of district and unit advisory committees with strong non-official representation on them was organised and it is to these committees and not to me that Honourable Members should address their remarks. We, Sir, have performed our part of the bargain. We have provided opportunities and those that exist are not fully used. It is no use blaming the military authorities in charge for lack of enthusiasm. Moreover in the present financial stringency when I and my officers have been pressed to make large economies in the cost of the Regular Army and have succeeded in reducing expenditure by crores, it is not reasonable to expect us to spend more money than we do at present on a force that is of doubtful value to the country as a whole. If times improve and if genuine popular interest increases in this movement, I can assure the Honourable Member that we in the Army shall not stand in the way, but this is the most that I can say at present. That is briefly the situation at the moment.

I should just like to refer to one or two points that have been mentioned by Honourable Members. The Patna battalion was referred to. I must explain that the ordinary strength of a battalion is laid down somewhere in the region of 663 as an authorised establishment, that is, if there is any inclination for that number to be forthcoming. I must inform Honourable Members that the Patna battalion establishment has never been placed at more than 165, and the present numbers to meet that reduced number is 94 only. So, they cannot even reach the strength of 165, much less 663 as exists in various other battalions. My Honourable friend, Mr. Basu, referred to the Second Calcutta Battalion, and here the state of affairs is very disappointing. There also the strength is 663 and perhaps they did start with that number—I do not know ; but the number at the present moment and which has existed for some time is 259 ; it is most disappointing. In order to give you some idea as to the state of this Battalion and without wishing to be discouraging in this matter, I quote from a report which I have just received regarding the Second Calcutta Battalion and which will give you some indication about it.

“ There is a complete lack of keenness. The officers and non-commissioned officers are of such poor standard and so lacking in power of command as to render efficient training almost impossible. The physique, turnout and *esprit de corps* of this unit are deplorable. As a military force this unit is of absolutely no value ”.

THE HONOURABLE MR. BIJAY KUMAR BASU : Is that about the Calcutta Battalion ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Yes, that is about the Calcutta Battalion.

I am extremely pleased to hear from the Honourable mover that there is such enthusiasm in the United Provinces. I must tell him that if we receive enthusiastic applications for increased strength, we shall consider them very carefully and sympathetically. There is the question of funds to be considered as you will all realise ; but I have not received any such request ; and I strongly advise my Honourable friend to get busy with these committees and if any recommendation from the local military authorities reaches us, we shall do what we can in this matter. I am at present perfectly satisfied that the staff and the assistance that we supply are as good as possible. If I get any complaints in that direction, I promise to undertake enquiries to put things right ; but as I have stated, and I think you will agree with me, we have done our best and during the last five years nothing has happened, and why should we do more ?

For the reasons that I have stated I suggest that the Resolution should be withdrawn ; in any case, I oppose it.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I am in agreement with the previous speaker in many things that he said on the Resolution. I wish to answer my Honourable friend Mr. Basu regarding the advisory boards keeping silent in this matter. I may tell you——

THE HONOURABLE MR. BIJAY KUMAR BASU : Are you a member ?

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI : I am a member of the Committee in Madras. In Madras we did ask young men to join the Indian Army, but I found that the response was very poor. Therefore there is no use in blaming Government or to ask them to do anything. I would ask the Honourable Member to popularise these things by delivering lectures in his own province and ask a larger number to join. My friend Mr. Basu has said that he saw the University Training Corps on two occasions. My recollection is that I see them only once, that is, during the Convocation. Therefore, Honourable Members of this House would do well to arrange public meetings and induce the younger generation to join in large numbers, to see that in future these units become the nucleus of the national army.

For these reasons, Sir, I would ask the Honourable mover to withdraw his Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, if I rise at this stage, it is only to say one or two words in support of the Resolution. The other day we had a ruling from the Chair that after the Member in charge speaks we are not to make observations of a general character. We ——

THE HONOURABLE THE PRESIDENT : Order, order. I did not say anything of the sort. What I pointed out was that after the Member in charge has spoken I did not like set speeches to be read in the House. Of course the Honourable Members if they desire to answer the arguments of the Member in charge are entitled to do so.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** I have a speech, Sir, and may I read it ?

**THE HONOURABLE THE PRESIDENT :** I have already expressed my view.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Sir, the Resolution brought by my friend is quite opportune at a time when important constitutional changes are going to be made in the new Legislatures by the ushering in of reforms in the country. My friend the Honourable Mr. Ghosh Maulik hailing from Bengal is himself a lieutenant in the Army in India Reserve of Officers and my friend the Honourable the Nawab of Dacca is another and last but not least the Gallant Knight of our Council hailing from the North-West Frontier Province is a major. They will certainly encourage the idea and will not oppose the Resolution brought forward on the agenda of today.

Sir, military training and discipline is very necessary among the younger generation of our country who think that by mere mob rule and violating law and order they will be able to bring *Purna swaraj* in the country. Sir, even if *Purna swaraj* is to come to us today how will that machine run smoothly without discipline ? It is therefore my humble suggestion that the expansion of military training in all Indian Universities should form a conspicuous part in the administration of the country and the training should be extended to an appreciable degree which will as a necessary corollary help to improve the situation of the country about which Government is so very anxious. Sir, it will open up a new career for the teeming unemployed of the country and will solve the riddle Government is labouring under. Sir, India is not ungrateful and in the last great European War it has been proved to the hilt what sacrifice India can bear out of the men, money and resources at her disposal.

Sir, the predecessor of our present Commander-in-Chief I mean Field Marshal Sir Philip Chetwode who is not present here today had treated very sympathetically resolutions of a similar character moved by various other Members of this House time and again. I therefore request with all the sincerity at my command that our present Commander-in-Chief who is equally sympathetic over Indian aspirations if not more and who is present here today will give this matter his very thoughtful consideration.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I am very grateful to His Excellency the Commander-in-Chief for his very sympathetic reply to my Resolution. Sir, I was indeed very sorry to hear from him that he had not received any request from these Universities for the expansion of the University Training Corps. Coming as I do from the United Provinces I may submit that I am aware of the demand for this expansion so far as the Universities of that province are concerned. Our province has the largest number of Universities and out of the five four have got University Training Corps. I know, Sir, that Lucknow, Allahabad, Aligarh and Benares Universities have passed resolutions at the meetings of their courts and senates in which they made this request to the Government

and if His Excellency the Commander-in-Chief, as he has said in reply to my Resolution, is prepared to help them in case he receives these requests from them and as he also assures us that while he is on tour he will try to see and find out whether there is a genuine demand or not, I am prepared to withdraw my Resolution.

Sir, I need not reply to one or two little points raised by my friend Mr. Basu. Some of them have been answered by His Excellency the Commander-in-Chief and my friend Mr. Chetti, and therefore they are not worth replying to as they have already been dealt with.

THE HONOURABLE MR. BIJAY KUMAR BASU: I thought, Sir, His Excellency supported me and did not answer me.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: My friend is labouring under a misapprehension. While replying to my Resolution, many of his points have been answered. So far as taking part by University Training Corps men in the civil disobedience movement is concerned, he expressed his doubts and I quoted the authority of Major-General Hay who said in his speech on the 6th February, 1933, that the members of the University Training Corps had practically taken no part in the movement and I cannot give him a better authority. Then, Sir, he expressed doubt about the necessity for the expansion of these University Training Corps. For that I quoted from the report of the Director of Public Instruction in the United Provinces. So far as my province is concerned, I am fully aware and I can state with confidence that what I have stated is perfectly true.

So, Sir, after hearing the sympathetic speech of His Excellency the Commander-in-Chief and his assurances; I beg leave to withdraw my Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### AJMER-MERWARA JUVENILES SMOKING BILL.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, I move :

"That the Bill to prevent Juveniles from smoking tobacco, as passed by the Legislative Assembly, be taken into consideration."

This Bill is a non-contentious one, pure and simple. It is framed strictly on the lines of the Central Provinces Juveniles Smoking Act of 1928 in the interests of Ajmer-Merwara. As the House is aware there is no separate provincial Legislature for Ajmer-Merwara and that is why the Bill is being discussed on the floor of this House. It was introduced in the other House by so distinguished a person as Dewan Bahadur Harbilas Sarda, a resident of Ajmer-Merwara, and that House considered and passed the Bill without any discussion as everybody was satisfied about its utility. I hope this House also will express a unanimity of opinion and accept the Bill.

Sir, I move.

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\* Vide page 298, ante.



**THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK** (West Bengal : Non-Muhammadan) : Sir, let me at the very outset inform the House that the attitude which I propose to take on this Bill is one of benevolent neutrality. I mean, Sir, what I say and I say what I mean. Juvenile Smoking Acts and its prototype in the Provincial Councils have been passed a long time ago, and I want to know how many prosecutions there have been—and persecutions too—under this Act ? I am sure that there have not been many—

**THE HONOURABLE MR. BIJAY KUMAR BASU** : Or any ?

**THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK** : —or any either. If that be so, it is one of those Acts which may not do any good but certainly will do no harm.

**THE HONOURABLE MR. BIJAY KUMAR BASU** : You will only burden the Statute-book !

**THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK** : That is exactly how I feel about the Bill. However, Sir, when the Bill is laid before us, we have got to discuss it and speak out our minds. In clause 4 of the Bill we find a list of persons who can apprehend a juvenile smoker. Therein we find a certain deficiency. The mention of a Member of the Council of State is not there. (Hear, hear.) My Honourable friend the father of the Bill, or to be more correct the step-father of the Bill, was only the other day very anxious about the rights and privileges of this Chamber, and I am surprised that he should not have thought it wise to include this in the Bill.

**THE HONOURABLE MR. MAHMOOD SUHRAWARDY** : By all means have it.

**THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK** : That is a minor point. I do not want to press that point very much.

**THE HONOURABLE MR. BIJAY KUMAR BASU** : Of course we do.

**THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK** : There is another thing which strikes me. In clause 4, we find : “ If any boy, etc.” I know that under the General Clauses Act the word “ man ” embraces woman too. Whether this word includes girls is a matter for my lawyer friends to elucidate. I shall however leave it to the House if they should consider or not the points that have been raised by me.

**\*THE HONOURABLE MR. HOSSAIN IMAM** : It seems to me to be the general opinion of the House that some amendment should be made in this Bill. If you are pleased to permit us, we might say : “ If any boy or girl, etc.” in clause 4, first line, and insert “ Council of State ” after the words “ Legislative Assembly ”. I am told that the step-father of the Bill is willing to accept this.

**THE HONOURABLE THE PRESIDENT** : Your suggestion is that these amendments should be made here. I have first to ascertain the wish of the Member in charge. But I particularly do not think that it is a great honour

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\*Speech not corrected by the Honourable Member.

for any Honourable Member of this Council to seek to catch a juvenile smoker or offender. Secondly, my difficulty is that this is more an Act of local application, and if this amendment is passed here, this Bill will have to be remitted back to the Lower House for their acceptance. I do not think that at this late hour, when Honourable Members have had in their possession this Bill for more than three days, I should permit such amendments at this stage. I would be creating a very bad precedent. The Chair therefore does not permit this amendment. The Bill must be discussed as it stands and if it is passed, these amendments can be brought in at a later stage by any Member of this House or the Lower House, by means of an amending Bill.

THE HONOURABLE MR. BIJAY KUMAR BASU : So far as clause 4 is concerned, I think that the omission of the words " Member of the Council of State " was purposely and advisedly done. We talk of our House as the House of Elders. I do not think, Sir, that a man who can aspire to be called an elder should run after a juvenile smoker in Ajmer-Merwara and take away a cigarette from his mouth and throw it away. I should have thought that if any such case did happen it would have been a sight for the gods! Any way, as you pointed out, Sir, if this amendment is made and carried in this House, the Bill will have to be sent to the other House. That, I think, should not prevent us from carrying the amendment if we thought it was necessary to do so. The other alternative is that persons who feel strongly about the omission and who think that they have been neglected might throw out the Bill altogether. If this amendment is carried, it can formally be laid before the other House and passed. I should have thought, Sir, that the amendment was the lesser of the two evils. But as you have ruled that it cannot be done, I think we can run the risk of the Bill being thrown out altogether.

THE HONOURABLE MR. HOSSAIN IMAM : Can we get this postponed a little ? Will that be in order ?

THE HONOURABLE THE PRESIDENT : No, that will not be in order.  
Motion made :

" That the Bill to prevent Juveniles from smoking tobacco, as passed by the Legislative Assembly, be taken into consideration."

The motion was negatived.

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The Council then adjourned till Eleven of the Clock on Thursday, the 14th September, 1933.



## COUNCIL OF STATE.

*Thursday, 14th September, 1933.*

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The Council met in the Council Chamber in Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

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### MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL: Sir, a message has been received from the Legislative Assembly. The message runs as follows :

"I am directed to inform the Council of State that the following motion was carried in the Legislative Assembly at its meeting held on Wednesday, the 13th September, 1933, and to request the concurrence of the Council of State in the said motion :

'That this Assembly do recommend to the Council of State that the Bill to constitute a Reserve Bank of India be referred to a Joint Committee of this Assembly and of the Council of State with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members.'

THE HONOURABLE THE PRESIDENT: The Honourable Mr. Taylor has tabled a motion inviting this Council to concur in the Resolution passed by the Legislative Assembly and I understand that the Honourable Leader of the House will later make proposals regarding discussion of Mr. Taylor's motion on Saturday, the 16th instant. The Reserve Bank Bill and the Imperial Bank of India (Amendment) Bill are already in the hands of Honourable Members.

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### COTTON TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I beg to move :

"That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, as passed by the Legislative Assembly, be taken into consideration."

The terms of this Bill, Sir, require no explanation. It simply seeks to extend until the 31st March, 1934, the measures of protection which were conferred by the Cotton Textile Protection Act, 1930. The period of that Act, as Honourable Members are aware, has already been the subject of an extension from the 31st March, 1933, until the end of October, 1933. When in the course of the last Delhi session I asked Honourable Members to agree to an extension of the provisions of the Protection Act until the end of October, I expressed the hope that in the course of the present session it would be possible to lay before the House the considered proposals of the Government on the subject of substantive protection to the cotton textile industry. If

[Mr. T. A. Stewart.]

I come again asking for a further extension I am fully conscious that I must put forward adequate reasons for that request. It will be remembered that in the course of the debate in the last Delhi session, while this Honourable House was unanimously in favour of the extension of the Protection Act, criticisms of Government apathy and inaction were advanced. The proposed extension of the period of the Act was regarded as wholly inadequate to deal with the situation with which India was then faced. It will be admitted, I think, that the subsequent actions of Government went far to meet those criticisms. The Safeguarding of Industries Act was passed: the Indo-Japanese Trade Convention, which was a bar to the operation of that Act against Japan, was denounced, and later, in the month of June the import duty on cotton piecegoods was substantially increased. At the same time it was made clear that these were not acts of aggression. It was made clear that the Government of India were at all times ready to consider any alternative solution of the problem that might be offered, and I am happy to say that reasonableness has been met with reasonableness and we are now on the eve of negotiations with Japan with a view to the conclusion of a fresh trade agreement. A Japanese Delegation arrives in Calcutta today and within a few days we shall welcome them in Simla. At the same time deputations representative of the textile interests of Japan and of Lancashire are on their way to India. They are coming to discuss with the Indian mill-owner the problems of present-day competition. There will thus be in progress two sets of discussions, one official between the accredited representatives of the Government of India and of the Government of Japan, the other entirely unofficial discussions between the representatives of the three great textile interests. In these circumstances I think it must be agreed that it would be unnecessary and undesirable to place upon the Statute-book legislation that might require to be greatly modified in the near future and which might seriously prejudice the chances of a successful issue to the negotiations by suggesting that the Government of India had prejudged the case and were not open to reason. It is on these grounds that this Honourable House is again asked to extend the existing measure of protection, and I am confident that Honourable Members will accept these grounds as reasonable.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I rise to support the motion made by my friend on behalf of the Party to which I have the honour to belong, and in doing so I would congratulate the Honourable mover as well as his Chief, I mean Sir Joseph Bhole, and I hope that he will act as a post office and convey our congratulations to him. (*An Honourable Member*: "Will postage be paid?") Yes, we are willing to pay the postage if so required. Sir, as has been explained by my Honourable friend Mr. Stewart, the object of this Bill is only to extend the period from October, 1933 to March, 1934, so that the Government may have a free hand in negotiating with the representatives of the Government of Japan. I hope that all avenues will be explored and every effort will be made to come to an agreement honourable to both the countries, keeping in view the object of protecting the Indian textile industry as well as the cotton growers' interest.

Sir, there is one point on which I would like to make an enquiry from the Honourable mover, that when these negotiations are going on with official Members, do Government intend to include some of the non-official experts also ; if not actually in the representation, at least to act as advisers. I for one would have requested Government to include them in the actual negotiations, but if it is not possible to do so, they may call some of them to act as advisers so that they may be able to get first-hand information according to the terms settled with Japanese representatives.

With these words, Sir, I support the motion.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadian) : Sir, I have much pleasure in supporting the motion which has been so very ably moved by my Honourable friend Mr. Stewart. The scope of the Bill is very simple and is only intended to protect the textile industry of India against foreign competition. I have nothing further to add except to support the Bill, which I think will be acceptable to all Members of this Honourable House.

THE HONOURABLE MR. J. S. HENDERSON (Bengal Chamber of Commerce) : Sir, we support the measure before the House for the reasons advanced by the Honourable Mr. Stewart. Not only the textile industry, but many other industries, have asked for special consideration at this time. But it would be manifestly wrong for Government to take any further protective step, on the eve of events to which I desire to make brief reference.

We have today, to welcome to this country, two delegations. One represents the Imperial Government of Japan ; the other represents the textile interests of the United Kingdom. The Japanese Delegation is to confer with the Indian Government regarding the future trade relationships between the two countries ; the Lancashire Delegation comes to confer with the textile interests of India on matters of common concern and interest. The fact that these two delegations are in this country at the same time bears a significance that cannot be overlooked either in India or in Japan.

Now, Sir, I regard the two conferences that are to take place, as the most important events in India's economic history. For the first time in the matter of trade relationships, a sovereign power has sent an official delegation to confer with the Government of India on terms of complete equality. This is an important milestone in India's constitutional as well as her fiscal development. Then again, this conference may well prove to be the turning point of India's position in world trade. For many years the trade relations between Japan and India have been largely regulated by the Indo-Japanese Trade Agreement. Circumstances, into which I will not enter, forced India in her own defence, to give the required notice for the abrogation of this Agreement, and in doing so, it should be emphasised, that the Government had behind them the full support of the whole country. Whatever the causes, no Government could stand by and see the industries of its country ruined. The coming conference has for its object the examination of these trade relations in the future. It will either succeed or it will fail. If it succeeds, we may look forward to a reciprocal agreement in regard to tariffs and quotas, which will operate to the interests of both countries, while protecting the industries of India. We all devoutly hope that the Conference will succeed. A tariff war

[Mr. J. S. Henderson.]

would injure both countries, Japan even more than India. It would be yet another of those barriers in the way of international trade and commerce which are so largely the cause of the world's economic distress today. And it would be a source of irritation between two great countries in the East which have in the past been friends, and which, it is the desire of all of us, should continue to be friends. But, and I speak here with a full sense of responsibility, if the Conference should not succeed, then the Government of India should take immediate steps under the legislation which was passed unanimously by both Houses last April, to give the fullest protection necessary to those industries which are already suffering grievously from the causes to which I have already referred. That protection must be given promptly and effectively, and India must turn, however reluctantly, from a contemplation of a new trade agreement with Japan to an examination of trade relationships with those other countries which are ready to come to reciprocal and naturally beneficial arrangements with this country. Ottawa has shown that within the Empire there are such countries. India does not stand alone. Although she goes to the Conference as a sovereign state, she goes as a member of the Empire, whose delegates at the World Economic Conference pledged themselves to closer cooperation in matters of tariffs, currencies and price levels within the Empire. But I have faith that the Conference will succeed, and that it will not only open up a new era of friendly trade relationships between Japan and India, but also show an example to the world of international cooperation between two great Eastern powers in matters which deeply affect their industrial, agricultural and economic life.

THE HONOURABLE MR. T. A. STEWART : Sir, the remarks that have been offered by the Honourable Members who have spoken leave me very little to say, but I might be permitted to express my appreciation of the temperateness and restraint of their remarks. It is apparent that they realise the importance of saying nothing which might prejudice the forthcoming negotiations. I will give the Honourable Rai Bahadur a very full assurance that in the course of the forthcoming negotiations the Government of India will not fail to consult any business interests that are concerned in the negotiations. Invitations have already issued to representative industrial bodies which have been asked to send advisers to Simla to help during the course of the negotiations. I may also explain that as a matter of diplomatic practice it would be impossible to admit to the actual negotiations unofficial and unaccredited representatives of Government ; however willing we might be for our part I think from the other side it would certainly be the subject of objection.

THE HONOURABLE MR. BIJAY KUMAR BASU : What about cotton growers ?

THE HONOURABLE MR. T. A. STEWART : They also have been asked to send representatives. I prefer at the present moment to be optimistic and not to consider the possibility of a failure of the Conference ; but if the worst should come to the worst I can assure the Honourable Mr. Henderson that the considerations that he has mentioned will not be absent from the counsels of the Government of India.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART : Sir, I move :

"That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, as passed by the Legislative Assembly, be passed".

The motion was adopted.

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THE HONOURABLE THE PRESIDENT : I understand the Honourable Mr. Suhrawardy does not propose to move his Resolution.\*

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Yes, Sir.

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#### STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : The Resolution which has been passed by the other Chamber desiring the concurrence of the Council in the recommendation for committing the Reserve Bank of India Bill to a Joint Committee of both Chambers as well as a similar Resolution in respect of the Imperial Bank of India (Amendment) Bill which is expected to be received by Saturday, the 16th September, may with your permission, Sir, be considered on that day. By Saturday, the 16th, it is also expected that further Bills might be laid on the table. I therefore suggest, Sir, that the Council meet on Saturday, the 16th, for the consideration of the two Resolutions in respect of the Reserve Bank of India Bill and the Imperial Bank of India (Amendment) Bill and for the purpose of laying on the table any Bills which may be received by that date.

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The Council then adjourned till Eleven of the Clock on Saturday, the 16th September, 1933.

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\* "That this Council recommends to the Governor General in Council to take early steps to provide the Members of the Council of State with gold passes for themselves, their wives and dependants, when travelling from their constituencies to Delhi or Simla in lieu of the present travelling allowances granted to them."







## COUNCIL OF STATE.

*Saturday, 16th September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### MEMBER SWORN :

The Honourable Mr. Bertrand James Glancy, C.S.I., C.I.E. (Political Secretary).

### QUESTIONS AND ANSWERS.

#### RETRENCHMENT IN THE OFFICES AND WORKSHOPS OF THE PORT COMMISSIONERS, CALCUTTA.

180. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state :

(a) Principle or principles on which retrenchment has recently been carried out in the offices and workshops of the Calcutta Port Commissioners ?

(b) Constitution of the Committee which settled the details according to which retrenchment has been effected there ?

(c) Whether there were any Indians on that Committee ?

(d) If so, their names ?

(For reply see under No. 181.)

#### RETRENCHMENT IN THE OFFICES AND WORKSHOPS OF THE PORT COMMISSIONERS, CALCUTTA.

181. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state :

(a) Total number of men that have been retrenched from (i) the offices and (ii) workshops of the Port Commissioners of Calcutta ?

(b) How many among them were (i) Europeans, (ii) Anglo-Indians, and (iii) Indians ?

(c) How many among them were in receipt of a monthly pay of Rs. 250 and above ?

(d) Whether anyone from the retrenched personnel has been recalled ?

(e) If so, how many of them were (i) Europeans, (ii) Anglo-Indians, and (iii) Indians ?

(f) Whether any men had their covenants cancelled for the sake of being retrenched ?

(g) If so, their total number ?

(h) Whether any reduction of pay or emoluments has been effected in the case of any Port Trust officer ?

THE HONOURABLE MR. T. A. STEWART : With your permission, Sir, I propose to answer questions bearing Serial Nos. 180 and 181 together.

The information asked for is being obtained and will be supplied to the Honourable Member when received.

THE HONOURABLE MR. HOSSAIN IMAM : May I know, Sir, if the statement will be laid on the table ?

THE HONOURABLE THE PRESIDENT : Of course, it will be laid on the table.

#### APPOINTMENT OF SHIPPING OFFICERS IN CALCUTTA.

182. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha) : Will Government be pleased to state :

(a) To what extent the recommendations of the Gow Committee have been followed in the matter of appointment of Indian officers in the shipping offices in Calcutta ?

(b) How many officers are there in the shipping offices in Calcutta ?

(c) How many of them are (i) Europeans, (ii) Anglo-Indians, (iii) Hindus, and (iv) Mussalmans ?

(d) Whether it is a fact that persons possessing no master mariner's certificate have been appointed shipping officers ?

(e) Whether it is a fact that persons having no experience of navigation or navigable districts have been appointed shipping officers ?

(f) Whether it was contemplated by the Gow Committee that customs office experience is to be considered enough qualification for a shipping office superior appointment ?

(g) How many officers and subordinate service men have been discharged from service on the ground of retrenchment from the Calcutta shipping offices recently ?

(h) What specific steps have been taken to cut down the establishment and other expenditure in view of the attenuation of resources ?

THE HONOURABLE MR. T. A. STEWART : (a) I presume that by Gow Committee the Honourable Member means the Clow Committee which was appointed in 1922 to examine the question of seamen's recruitment in India. If so, I am not sure to what recommendations of the Committee the Honourable Member is referring.

(b) Three.

(c) One of them is a European ; the others are Muhammadans.

(d) and (e). The Committee did not recommend that shipping masters should possess a master mariner's certificate or that they should have practical maritime experience.

(f) The Committee made no recommendations as to the qualifications to be required of persons holding superior appointments in shipping offices.

(g) One temporary clerk.

(h) The recommendations of the Retrenchment Advisory Committee in regard to special pay, overtime fees, compensatory allowances, etc., have been given effect to as far as possible.

**STOPPAGE OF RECRUITMENT OF HINDUS BY THE CHIEF MINING OFFICER, GIRIDIH.**

183. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state :

(a) Whether it is a fact that the Agent, East Indian Railway, has recently confidentially communicated to the Chief Mining Officer in Giridih to stop recruitment of all Hindus ?

(b) If so, whether such a direction is in respect to new or existing post ?

(c) Whether it is a fact that there is a general circular from the Railway Board stating that in case of future appointments on the State Railways persons that have been retrenched before time should have invariably prior claims over others ?

(d) If so, whether the confidential communication to the Chief Mining Officer is in supersession of the Board's circular referred to in part (c) ?

THE HONOURABLE MR. M. W. BRAYSHAY : I have called for the information and will communicate it to the Honourable Member on its receipt.

**PUNJAB MAIL.**

184. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :  
(a) Will Government state whether from the 1st October, the Punjab Mail will be directed to run *viâ* the Grand Chord instead of the main line ?

(b) If the answer be in the affirmative how do Government propose to make up for the inconveniences thus caused to the passengers of the main line and loop line for the want of a fast train.

THE HONOURABLE MR. M. W. BRAYSHAY : (a) Yes.

(b) Nos. 5-Up and 6-Down Mails which at present run only between Moghalserai and Lahore will be extended to Howrah and will run *viâ* the main line (*viâ* Patna) practically to the same timings as the Punjab Mails now run.

To meet the convenience of through passengers a first and second class composite will be attached to No. 5-Up Mail at Patna and transferred to No. 1-Up Mail at Moghalserai for Kalka in the summer and Lahore in the winter. This through carriage will also run on No. 2-Down and No. 6-Down Mails.

Government consider that, so far as can be seen, and particularly in view of the fact that through carriages will run between Patna and Delhi *viâ*

Allahabad, the proposed changes in the East Indian Railway time-table will not result in inconvenience.

**BOMBING OF KOTKAI BY AIR.**

**185. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** With reference to the answers to question No. 126, dated the 31st August, 1933, will Government be pleased to state :

- (a) Number of inhabitants of Kotkai ?
- (b) Area of land occupied by these inhabitants ?
- (c) Area in which bombs were thrown ?
- (d) Area in which each bomb produces destroying effect ?
- (e) Place or places where these inhabitants migrated ?
- (f) Source or sources through which information was obtained that nobody was killed by bombs ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** (a) Not more than 200 persons in all.

(b) I have been unable to obtain information on this point, but I may mention that from photographs taken a rough estimate of the size of the village itself is about a thousand square yards.

(c) Within the walls of Kotkai.

(d) No estimate of the area of effect can be given as this entirely depends on the nature of the object which a bomb strikes.

(e) Neighbouring hamlets.

(f) Reports were obtained from the Political Agent, Malakand, and the Military Intelligence Officer, each of whom has many sources of information the reliability of which can be tested by a system of cross-checking.

**MEERUT CONSPIRACY CASE.**

**186. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** (a) Will Government be pleased to state the names of the Meerut Conspiracy Case prisoners who were convicted by the lower court as well as of those against whom the conviction was set aside by the High Court ?

(b) What was the total expenditure incurred by the Government of India in connection with the case ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) I lay a statement on the table giving the information required.

(b) Rs. 17,15,000 approximately.

*Statement giving particulars of the 31 accused in the Meerut Conspiracy Case who were committed for trial by the Additional District Magistrate, Meerut.*

Serial No.	Name of accused.	Sentence awarded by the Sessions Judge.	Result of appeal to the High Court.
1	Muzaffar Ahmad .. ..	Transportation for life ..	3 years' imprisonment.
2	Sripad Amrit Dange ..	Transportation for 12 years.	Do.
3	Phillip Spratt .. ..	Do. ..	2 years' imprisonment.
4	Sachhidanand Vishnu Ghate	Do. ..	1 year's imprisonment.
5	Keshav Nilkanth Joglekar ..	Do. ..	Do.
6	Raghunath Shivaram Nimbkar	Do. ..	Do.
7	Benjamin Francis Bradley ..	Transportation for 10 years.	Do.
8	Shanta Ram Suvlaram Mirajkar.	Do.	Do.
9	Shaukat Usmani .. ..	Do. ..	3 years' imprisonment.
10	Sohan Singh Josh .. ..	Transportation for 7 years.	1 year's imprisonment.
11	Mir Abdul Majid .. ..	Do. ..	Do.
12	Dharami Kanta Goswami ..	Do. ..	Do.
13	Ajodhya Prasad .. ..	Transportation for 5 years.	Period already undergone in jail.
14	Gangadhar Adhikari ..	Do. ..	Do.
15	Puran Chandra Joshi ..	Do. ..	Do.
16	Motiram Gajanan Desai ..	Do. ..	Acquitted.
17	Gopendra Chakravarty ..	4 years' rigorous imprisonment.	7 months' rigorous imprisonment.
18	Gopal Chandra Basak ..	Do. ..	Period already undergone in jail.
19	Hugh Lester Hutchinson ..	Do. ..	Acquitted.
20	Radha Raman Mittra ..	4 years' rigorous imprisonment.	Do.

Serial No.	Name of accused.	Sentence awarded by the Sessions Judge.	Result of appeal to the High Court.
21	Shiavaksh Hormasji Jhabwala	4 years' rigorous imprisonment.	Acquitted.
22	Kedar Nath Sehgal ..	Do. ..	Do.
23	Shamsul Huda .. ..	3 years' rigorous imprisonment.	Period already undergone in Jail.
24	Arjun Atmaram Alve ..	Do. ..	Acquitted.
25	Gobind Ramchandra Kasle ..	Do. ..	Do.
26	Gauri Shankar .. ..	Do. ..	Do.
27	Lakshman Rao Kadam <i>alias</i> Lakshmi Narain Kadam.	Do. ..	Do.
28	Vishwa Nath Mukharji <i>alias</i> Biswanath Mukerjee.	Acquitted.	
29	Shib Nath Banerji ..	Do.	
30	Kishori Lal Ghosh ..	Do.	
31	Dhondi Raj Thengdi ..	Died during the Sessions trial.	

**COMPENSATION FOR MEERUT CONSPIRACY CASE PRISONERS WHO WERE ACQUITTED ON APPEAL.**

187. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) With reference to the previous question has the attention of Government been drawn to a representation of the Members of the Labour and Liberal Parties of the House of Commons to the Secretary of State praying for the grant of compensation to those who have been released by the High Court ?

(b) Is Government prepared to allow them any compensation ?

(c) If the answer of part (b) is in the affirmative, what will be the amount of compensation per head.

THE HONOURABLE MR. M. G. HALLETT : (a) Government have no information that any such representation has been made to the Secretary of State.

(b) and (c). In view of the answer given to question (a) these questions do not arise.

**POSITION OF INDIANS IN KENYA.**

188. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Has the attention of Government been drawn to a statement of Mr. Tyebji M. Jivanji, President of the East African Indian Congress

and Mr. U. K. Oza, General Secretary, appearing in the *Hindustan Times*, dated 2nd September, 1933, regarding the growing influence of the white settlers and the danger that threatens the Indian community in Kenya?

(b) If so, what steps does Government propose to take to help the Indians of Kenya?

THE HONOURABLE MR. M. G. HALLETT: With your permission, Sir, I will answer this question for the Honourable Sir Fazl-i-Husain:

(a) Yes.

(b) The attention of the Honourable Member is invited to the reply given by the Honourable Sir Fazl-i-Husain on the 29th August, 1933, to his question No. 111. Government will watch the situation and will take such action from time to time as the protection of legitimate Indian interests might require.

#### ASSASSINATION OF MR. BURGE, DISTRICT MAGISTRATE, MIDNAPORE.

189. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to supplement the information regarding the dastardly attack on Mr. Burge, the District Magistrate of Midnapore, on the following lines:

(a) How many persons in all were arrested?

(b) Did any of the miscreants connected with the crime escape?

(c) How many houses were searched and was any material in connection with the outrage discovered?

THE HONOURABLE MR. M. G. HALLETT: The crime is under investigation and I am not in a position to give details of the action taken during the investigation.

#### LOAN OPERATIONS IN 1933.

190. THE HONOURABLE MR. HOSSAIN IMAM: Will Government give the following information with regard to their loan operations in the year 1933:

(a) Loans repaid and the dates of repayment?

(b) Loans taken and the dates on which floated and the rates of interest and the amount of the loans?

(c) Redemption yield on the date of flotation of the 1933 loans of the last 1932 loans?

THE HONOURABLE MR. J. B. TAYLOR: A statement is laid on the table.

#### Statement.

(a)				
(1)	5% War Loan, 1929-47	..	15th of May, 1933	..
(2)	4% Conversion Loan, 1916-17	..	1st of July, 1933	..
(3)	6% Bonds, 1933-36	..	15th of August, 1933	..
(4)	5% Bonds, 1933	..	1st of September, 1933	..
(5)	India 6% Bonds, 1933-35	..	15th of June, 1933	..
	(Portions of this loan had been repaid on earlier dates.)			

} Rupee loans.

.. Sterling loan.



(b)

Loan with rate of interest.		Issue price.	Date.	Amount.
				Rs.
Rupee loan	4% Bonds, 1943 ..	98	23-1-1933 ..	14,97,17,700
	4% Conversion Loan, 1960-70.	..	1-2-1933 ..	33,80,55,700
	3½% Loan, 1947-50 ..	96	28-4-1933—	
			Cash ..	15,59,98,700
			Conversion ..	15,21,75,800
Sterling loan	4% Stock, 1948-53 ..	97½	10-5-1933 ..	£12,000,000

(c)

Loans.	Yield on			
	23-1-1933.	1-2-1933.	28-4-1933.	10-5-1933.
5½% Loan, 1938-40 .. .. .	4·265— 4·547	4·265— 4·547	3·969— 4·319	4·067— 4·394
5% Loan, 1940-43 .. .. .	4·215— 4·400	4·215— 4·400	3·989— 4·227	4·139— 4·342
5% Stock, 1942-47 .. .. .	3·799— 4·123	3·740— 4·080	3·499— 3·925	3·684— 4·057

## TREASURY BILLS.

191. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether it is a fact that about the middle of June the treasury bills outstanding were less than 14 crores but now amount to nearly 30 crores ? Will Government state the reasons for this increase and how it is accounted for ?

THE HONOURABLE MR. J. B. TAYLOR : Yes ; the increase is largely due to the provision of funds to finance our sterling purchases.

## WHEAT AGREEMENT.

192. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether India is a party to the Wheat Agreement ? If so, whether as an exporting or importing country ?

THE HONOURABLE MR. M. G. HALLETT : Sir, I will answer this question for the Honourable Sir Fazl-i-Husain.

The answer is " No ".

LEAVE RULES.

193. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state whether they have taken any steps to modify the leave rules relating to Government servants? If not, why?

**THE HONOURABLE MR. J. B. TAYLOR :** Revised leave rules for new entrants to the Governor General's Services are under consideration and will, it is hoped, be issued shortly.

RAILWAY CLEARING ACCOUNTS OFFICE.

194. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state :

(1) What was the expenditure on the Railway Central Clearing Accounts Office in the last three financial years?

(2) Will Government lay on the table a statement showing the figures for the last three years in regard to the Eastern Bengal, East Indian, North Western, and Great Indian Peninsula Railways in respect of :

(a) Total credits, (b) total debits, (c) demand of one State-managed Railway on the other three, (d) credit of one State Railway from the other three Railways, (e) the net payments or receipts of the Railways from each other?

**THE HONOURABLE MR. M. W. BRAYSHAY :** I am collecting the information and will lay it on the table in due course.

METRE GAUGE ENGINES ON THE EASTERN BENGAL RAILWAY.

195. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state :

(a) Numbers and types of the heaviest metre gauge engines on the Eastern Bengal Railway? What was their worked mileage in the year 1931-32, and 1932-33?

(b) What is the average mileage of metre gauge engines in general on the Eastern Bengal Railway?

**THE HONOURABLE MR. M. W. BRAYSHAY :** The information is being obtained and will be supplied to the Honourable Member on receipt.

SPECIMEN BUDGETS SUPPLIED TO THE PERCY COMMITTEE.

196. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state whether it is a fact that the Percy Committee was furnished with specimen Provincial and Central Budgets? Who was responsible for preparing these budgets? What were the exact figures for each province and how were they arrived at? What were the figures and compositions of the expenses under the head Political Department in the Central Specimen Budget?

**THE HONOURABLE MR. M. G. HALLETT :** The attention of the Honourable Member is invited to paragraphs 8 and 11 of the Report of the Federal Finance Committee. Government regret that they cannot give the Honourable Member figures supplied to the Committee for its own use and not published in the Committee's Report.

## OTTAWA TRADE AGREEMENT.

197. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state what steps they have taken or propose to take in order to make the Ottawa Trade Agreement a success?

THE HONOURABLE MR. T. A. STEWART: I am not quite clear as to what the Honourable Member means by his enquiry. I may, however, state for his information that the attention of the Local Governments, and through them of the Provincial Departments of Industries and the Chambers of Commerce and other trade organizations concerned, has been specifically drawn to the importance of the preferences secured under the Ottawa Trade Agreement in respect of certain Indian commodities, and they have been asked to make every effort to take full advantage of the preferences granted and to furnish the Government of India with periodical reports as to the results of the preferences on the trade in those commodities. Similar action has been taken as regards the Indian States concerned.

## REPAYMENT OF THE STERLING LOAN, 1933-34.

198. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether it is a fact that they have given notice of the re-payment of 1933-34 sterling loan? If so, will it be paid by the Secretary of State out of the treasury balances or by raising a loan?

THE HONOURABLE MR. J. B. TAYLOR: Yes. We hope to be able to pay it out of treasury balances.

## BALANCES WITH THE SECRETARY OF STATE FOR INDIA.

199. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state what were the balances with the Secretary of State for India at the end of each of the first four months of the new financial year and how were they held?

THE HONOURABLE MR. J. B. TAYLOR: The balances with the Secretary of State for India at the end of each of the four months of the current financial year were as follows:

							£
April	..	..	..	..	..	..	6,941,916
May	..	..	..	..	..	..	8,205,630
June	..	..	..	..	..	..	10,674,109
July	..	..	..	..	..	..	9,515,504

These are invested in British Government treasury bills except for a balance of slightly over £1,000,000 which is kept to meet current requirements.

## INCOME-TAX OFFICERS AND ASSISTANT INCOME-TAX OFFICERS IN THE INCOME-TAX DEPARTMENT, BENGAL, APPOINTED SINCE APRIL, 1922.

200. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to lay on the table a statement showing the total number of Income-tax Officers and Assistant Income-tax Officers appointed from April, 1922 to date in the Income-tax Department of Bengal?

THE HONOURABLE MR. J. B. TAYLOR: Twelve Income-tax Officers and fifteen Assistant Income-tax Officers have been appointed in the Income-tax Department, Bengal, since April, 1922.

**GAZETTED OFFICERS DISCHARGED FROM THE INCOME-TAX DEPARTMENT, BENGAL, SINCE APRIL, 1922.**

**201. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**

(a) Will Government be pleased to lay a statement on the table showing the total number of officers (gazetted) discharged for failure to pass the departmental examination from April, 1922 up to date and the total amount of salary paid to the discharged officers during the tenure of their service in the Income-tax Department, Bengal ?

(b) Has any officer been confirmed during the said period though he could not pass completely the departmental examination ?

(c) How many Examiners of Accounts have been confirmed after having passed the departmental examination in due course within two years during the said period ?

(d) How many Examiners of Accounts have been confirmed with grace chances after two years and how many have been confirmed though they could not pass the departmental examination in spite of grace chances having been allowed to them ?

(e) How many Examiners of Accounts have been discharged for failure to pass the departmental examination during the said period ?

**THE HONOURABLE MR. J. B. TAYLOR :** (a) About six gazetted officers have been so discharged in the period named but the exact figure cannot be given without going through the records. As for the amounts of salary paid to them while in service, the answer to this, as also to part (c) of this question, is that the compilation of the information asked for would involve an expenditure of time and labour which would be incommensurate with the value of the results secured.

(b) No.

(d) Exact particulars could only be given at the cost of excessive labour, but the number is approximately six.

(e) None.

**GAZETTED OFFICERS OF THE INCOME-TAX DEPARTMENT, BENGAL, WHO DIED WHILE IN ACTIVE SERVICE, ETC.**

**202. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**

(a) Will the Honourable the Finance Member be pleased to lay on the table a complete list showing therein the names of officers (gazetted) in the Income-tax Department in Bengal who died in active service and their respective age and respective lengths of service in this Department at the time of their death from April, 1922 till now ?

(b) Will Government be pleased to lay on the table another statement showing the percentage of the discharged officers referred to in the previous question and the percentage of death rate of the officers separately compared with the total sanctioned strength of the Income-tax Officers in Bengal during this period ?

**THE HONOURABLE MR. J. B. TAYLOR :** (a) A statement is laid on the table.

(b) The number of discharged gazetted officers was seven (four Income-tax Officers and three Assistant Income-tax Officers). At the time, the sanctioned

strength of Income-tax Officers was 35 ; the total number of gazetted officers was 62, out of a sanctioned strength of 66, two posts being vacant and two having been surrendered to correspond with an increase by two in the number of Examiners, in accordance with the programme of gradual absorption adopted in 1927. The total number of deaths of gazetted officers of all grades has already been given and may be compared with the sanctioned strength already given.

*Statement showing the names of officers (gazetted) in the Income-tax Department, Bengal, who died in active service and their respective age and lengths of service in this Department at the time of their death from April, 1922 till now.*

Name of deceased officer.	Age in years.	Length of service in the Department from 1922 at the time of death.
1. Mr. J. N. Chatterjee ..	36	2 years and 4 months.
2. Mr. W. B. Kirkwood ..	Not known	4 years (approximately).
3. Mr. S. N. Roy .. ..	48	7 do.
4. Mr. K. H. Mazumdar ..	37	7 do.
5. Mr. N. Roy .. ..	46	6 do.
6. Mr. P. L. Adhikari ..	33	10 do.
7. Mr. N. C. Shaha .. ..	40	11 do.

#### RETRENCHMENT OF GAZETTED OFFICERS IN THE INCOME-TAX DEPARTMENT, BENGAL.

203. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to lay on the table a list showing the names and lengths of service of officers who have recently been retrenched with a view to effecting economy in the Income-tax Department of Bengal ? Is it a fact that the very same Government of India letter of June, 1933, which conveyed the sanction for the retrenchment of seven officers, also conveyed the sanction for the appointment of seven Examiners of Accounts to replace the seven officers retrenched with a view to the curtailment of expenditure ?

THE HONOURABLE MR. J. B. TAYLOR : A statement is laid on the table. The answer to the second part of the question is in the affirmative.

*Statement showing the names and length of service of officers retrenched in the Income-tax Department, Bengal.*

1. Mr. R. Ghatak .. ..	Income-tax Officer .. ..	23 years.
2. Mr. F. C. Chopra .. ..	" " .. ..	13 "
3. Mr. P. L. Bhattacharji ..	" " .. ..	13 "
4. Mr. S. K. Datta .. ..	" " .. ..	13 "
5. Mr. Nefazuddin .. ..	Assistant Income-tax Officer ..	9 "
6. Mr. Abdul Majid .. ..	" " .. ..	8 "
7. Mr. B. B. Basu .. ..	" " .. ..	7 "

ANNUAL SAVING ANTICIPATED DUE TO RETRENCHMENT OF GAZETTED OFFICERS  
IN THE INCOME-TAX DEPARTMENT, BENGAL.

204. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to lay on the table a detailed statement showing the total amount of annual saving that Government anticipates by replacing the seven retrenched officers by seven newly appointed Examiners of Accounts after paying bonus, pension and earned leave pays for the retrenched officers ?

(b) Will Government be pleased to state the estimated additional expenditure that Government has to meet monthly from May, 1933, as a result of the reduction of 10 per cent. cut to 5 per cent. in the pay of the whole force of the Income-tax Department of Bengal ?

THE HONOURABLE MR. J. B. TAYLOR : (a) Exact figures as to bonus, pension and leave pay of the retrenched officers are not yet available, but the approximate figures are—for pension, Rs. 915 monthly and for gratuities, Rs. 18,750. The annual saving in pay on account of replacement of the seven retrenched officers by Examiners of Accounts is Rs. 28,332 on average cost basis.

(b) Rs. 53,000 approximately.

TOTAL RECEIPTS, ETC., IN THE INCOME-TAX DEPARTMENT, BENGAL.

205. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to place on the table a statement in regard to the Income-tax Department, Bengal, showing :

(a) Total receipts in 1932-33?

(b) Total expenditure in 1932-33 ?

(c) Ratio of expenditure to receipts in 1932-33 ?

(d) Ratio of savings to total expenditure that Government anticipates by the retrenchment of the seven officers in the Income-tax Department, Bengal, referred to in the previous question ?

THE HONOURABLE MR. J. B. TAYLOR : (a) Rs. 428½ lakhs.

(b) Rs. 11½ lakhs.

(c) 2·6 per cent.

(d) The saving due to the abolition of seven posts of Income-tax Officers referred to in the previous question will be, on the average cost basis, 2·5 per cent. of the total expenditure in the Bengal Income-tax Department.

ABOLITION OF TWO POSTS OF ASSISTANT COMMISSIONERS OF INCOME-TAX,  
CALCUTTA.

206. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is it a fact that the General Purposes Sub-Committee of the Retrenchment Advisory Committee recommended (*vide* page 12 of Part I of the Report) the abolition of the two posts of Assistant Commissioners of Income-tax in Calcutta ? If so, have they been abolished ? If not, why ?

(b) Will Government be pleased to state the number of Additional Income-tax Officers who have been working or who have worked after confirmation

in the Department without any powers like Examiners and the period during which they had no such powers and has any of these additional Income-tax Officers, who have been working or who have worked without powers, been retrenched on account of their incompetency and inefficiency?

THE HONOURABLE MR. J. B. TAYLOR: (a) Yes, but the posts have not been abolished. The pay of the posts was reduced to Rs. 1,000—100—1,500 with a special pay of Rs. 250 in 1927, but as the present incumbents were holding the posts before 1927, they are drawing the old scale of Rs. 1,500—100—2,000. The revised scale will be introduced as they retire. It is not part of the Government policy of retrenchment to discharge officers and replace them by officers of the same grade but on lower rates of pay.

(b) The information desired cannot be obtained without undue expenditure of time and labour but I may say that certain Additional Income-tax Officers have been working without powers from time to time for reasons of departmental convenience. That being the reason for their being so employed the fact of such employment could have no bearing on the selection of individuals for retrenchment.

AMOUNT OF EXPENDITURE INCURRED ON TOURING BY ASSISTANT COMMISSIONERS OF INCOME-TAX AND INCOME-TAX OFFICERS, BENGAL.

207. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE

(1) Will Government be pleased to state the total amount of expenses incurred by Government for the touring of the Assistant Commissioners of Income-tax and the Income-tax Officers, in Bengal?

(2) Is it a fact that the touring of the Assistant Commissioners of Income tax, Bengal, was stopped for some time under Government orders, for effecting economy?

(3) Will Government be pleased to state the approximate amount of saving effected thereby?

(4) Is it a fact that the touring of the Assistant Commissioners of Income tax in Bengal has of late been resumed? If so, why?

THE HONOURABLE MR. J. B. TAYLOR: (1) The information has been called for and will be furnished to the Honourable Member in due course.

(2) Touring was greatly reduced as a measure of economy.

(3) About Rs. 4,000 per annum.

(4) Yes, the reasons being that the saving to Government was unfairly disproportionate to the cost to appellants. It is also desirable that Assistant Commissioners should inspect Income-tax Offices.

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STATEMENT LAID ON THE TABLE.

NOTIFICATIONS REGARDING EXEMPTION FROM INDIAN INCOME-TAX OF THE SALARIES OF THE HIGH COMMISSIONER, ETC.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I lay on the table the information promised in connection with the reply to question No. 159 answered on the 11th September, 1933.

No. 878-F.

## GOVERNMENT OF INDIA.

## FINANCE DEPARTMENT.

## NOTIFICATION.

## Separate Revenue.

## Income-tax.

*Delhi, the 21st March, 1922.*

In exercise of the powers conferred by section 22 of the General Clauses Act, 1897 (X of 1897), read with section 60 of the Indian Income-tax Act, 1922 (XI of 1922), and in supersession of the notifications of the Government of India in the Finance Department specified in the Schedule hereto annexed, the Governor General in Council is pleased to order :—

(a) that the following classes of income shall be exempt from the tax payable under the said Act and that they shall not be taken into account in determining the total income of an assessee for the purposes of the said Act—

(1) the official allowance which an agent of a Prince or State in India, who has been duly accredited to represent the Prince or State for political purposes in any place within the limits of British India, receives as such agent in British India from the Prince or State ; and the official salaries and fees which a Consul General, Consul, Vice-Consul or Consular Agent of a foreign State, whether 'de carrière' or not and whether a British or a foreign subject or a representative or Consular employee of a foreign State, not being a British subject, receives in India from such foreign State in his capacity of Consul General, Consul, Vice-Consul or Consular Agent, representative or Consular employee.

“(1A) Sums paid in pursuance of Article 3 of the Agreement dated the 17th August 1825 between the British Government and the King of Oudh.”

(2) the salary and allowances paid by a State in India during the period of deputation to any person deputed by the State for training in British India ;

(3) scholarships granted to meet the cost of education ;

(4) such portion of the income of a member of His Majesty's Naval, Military or Air Forces, British or Indian, or of the Royal Indian Marine as is compulsorily deducted from his salary by the orders, or with the approval of Government for payment to a mess, wine or band fund ;

(5) the allowances attached to :—

the Victoria Cross ;

the Military Cross ;

the Order of British India ;

the Indian Order of Merit ;

(5A) 'Jangi Inams' awarded to Indian Officers, Indian other ranks and followers in respect of service in the Great War.

“(6) the interest on Government securities held by, or on behalf of, Ruling Chiefs and Princes of India as their private property.”

(7) the yield of Post Office cash certificates ;

(8) the interest on deposits in the Post Office Saving Bank ;



- (9) the income of a university or other educational institution existing solely for educational purposes and not for purposes of profit ;
- (10) the salaries of His Majesty's Trade Commissioner in India ;
- "(10A) the salary of the Canadian Government Trade Commissioner in India at Calcutta."
- '(10B) the salary of the Trade Commissioner in India of the United States of America, and of any members of his staff who are citizens of the United States of America and have been detailed for duty with the said Trade Commissioner by the Government of the said States."
- "(10C) the salaries of the Correspondent of the International Labour Office, New Delhi and his staff."
- (10D) the salaries of the Organizer and Manager of the Branch Office of the League of Nations, Bombay and his staff ;
- (11) the gratuities which are granted to officers and others in respect of wounds or injuries received either in action or in the performance of duty otherwise than in action in His Majesty's Naval, Military or Air Forces, British or Indian or in the Auxiliary Force, India, or in the Indian Territorial Force, or in the Royal Indian Marine ;
- (12) the gratuities which are granted to the widows, children or other relatives of officers and others who are killed in action or suffer violent death due directly or wholly to war service, or are killed or die of injuries sustained on flying duty or while being carried on duty in air craft under proper authority, or die within seven years from wounds or injuries so received ;
- (12A) gratuities sanctioned under Army Instruction (India) No. 223, dated the 21st March, 1922, for regular Royal Engineer Officers on the Indian establishment belonging to the Survey or Railway Department and regular Indian Army Officers of the Survey Department ;
- (13) gratuities which are granted by the Railway Board or under general orders issued by the Railway Board to employees on death while in service, to their widows or children or other members of their families ;
- (13A) extraordinary gratuities which are granted by Government or by Railway Administrations to Government or railway servants (or to their widows, children or other representatives, as the case may be) who are injured or killed in the execution of their duties or who suffer injury or death owing to devotion to duty ;
- (14) the allowance or salary paid in the United Kingdom to officers on leave or duty in that country whether such allowance or salary is paid in sterling in the United Kingdom or by means of negotiable rupee drafts on a bank in India ;
- (15) the leave allowance or salary drawn from any Colonial Treasury by an officer on leave or duty in the Colony ;
- (15A) leave salaries or leave allowances paid in the United Kingdom or in a Colony, to the employees of Companies or private employers on leave in the United Kingdom or in such Colony ;
- (15B) vacation salaries paid in the United Kingdom or in a Colony to Judges of High Courts or of Chief Courts, to Judicial Commissioners, or to other officers of Government, when on vacation therein ;
- (16) the pensions of officers drawn from any Colonial Treasury or paid in the United Kingdom, whether such pensions are paid in sterling or by means of negotiable rupee drafts on a bank in India ;
- (16A) the salaries of the light house keepers of light houses in the Red Sea ;

- (17) the interest on the Mysore Durbar twenty years 6½ per cent. Bonds of 1920, ten years 7 per cent. Bonds of 1921, 20 to 30 years 6½ per cent. Bonds of 1921 ;
- (18) Pensions granted to officers of His Majesty's Naval, Military or Air Forces, British or Indian or of the Auxiliary Force, India, or of the Indian Territorial Force, or of the Royal Indian Marine or to members of the Indian Police Forces in respect of wounds or injuries received in action or in the performance of their duties as members of such forces otherwise than in action."
- " (19) pension granted to members of His Majesty's Naval, Military or Air Forces, British or Indian or of the Auxiliary Force, India or of the Indian Territorial Force or of the Royal Indian Marine, who have been invalided from service with such forces on account of bodily disability attributable to or aggravated by such service ;
- " (19A) value of rations issued in kind or money allowances paid in lieu thereof, to any officer or other rank in His Majesty's Naval, Military or Air Forces, British or Indian or in the Auxiliary Force, India, or in the Indian Territorial Force, or in the Royal Marine, and "
- " (19B) value of rent-free quarters occupied by or money allowances paid in lieu thereof, to Indian Officers British Warrant and Non-Commissioned officers and men of His Majesty's Military or Air Forces, and British and Indian Warrant officers of His Majesty's Naval and Marine Forces ; in all cases irrespective of whether the individual concerned is married or single."
- " (19C) conservancy allowance granted in lieu of free conservancy to non-departmental Warrant and non-commissioned officers of the India Unattached List, departmental Non-Commissioned officers of the India Unattached List not in receipt of consolidated rates of pay and Warrant and Non-Commissioned officers of the permanent staff of Auxiliary and Territorial Forces."
- (19D) the value of the free education provided for the children of British Warrant and Non-Commissioned officers and any-grants-in-aid made to British Warrant and Non-Commissioned officers in lieu of the provision of free education for their children.
- (20) the income derived from the manufacture of indigo for a period of 4 years commencing with the 1st April 1921.
- (b) that the following classes of income shall be exempt from the tax payable under the said Act, but that they shall be taken into account in determining the total income of an assessee for the purposes of the said Act :
- (1) the interest on Government securities purchased through the Post Office, and held in the custody of the Accountant General, Posts and Telegraphs ; and
  - (2) sums received by an assessee on account of salary, bonus, commission or other remuneration for services rendered, or in lieu of interest on money advanced, to a person for the purposes of his business,
- where such sums have been paid out of, or determined with reference to, the profits of such business,
- and, by reason of such mode of payment or determination, have not been allowed as a deduction but have been included in the profits of the business on which income-tax has been assessed and charged under the head " business " ;
- Provided that such sums shall not be exempt from the payment of supertax unless they are paid to the assessee by a person other than a company and have already been assessed to supertax.

## SCHEDULE.

Number of Notification.				Date of Notification.
774-F.	..	..	..	28th March, 1918.
1189-F.	..	..	..	3rd May, 1918.
662-F.	..	..	..	6th March, 1919.
637-F.	..	..	..	4th March, 1919.
920-F.	..	..	..	1st April, 1919.
1719-F.	..	..	..	9th July, 1919.
1319-F.	..	..	..	28th April, 1920.
2404-F.	..	..	..	25th August, 1920.
67-F.	..	..	..	6th January, 1921.
2529-F.	..	..	..	7th September, 1921.
3507-F.	..	..	..	21st December, 1921.

G. G. SIM,

*Joint Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

*Simla, the 16th June, 1928.*

## NOTIFICATION.

## Income-tax.

No. 24. In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department, No. 878-F., dated the 21st March 1922, namely :—

In paragraph (a) of the said Notification, after clause 10, the following Clause shall be inserted, namely :—

“(10A) The salary of the Canadian Government Trade Commissioner in India at Calcutta.”

A. TOTTENHAM,

*Joint Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

*Simla, the 20th October, 1928.*

## NOTIFICATION.

## Income-tax.

No. 43. In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department, No. 878-F., dated the 21st March 1922, namely :—

In paragraph (a) of the said Notification, after clause (10A), the following clause shall be inserted, namely :—

“(10B) The salary of the Trade Commissioner in India of the United States of America, and of any members of his staff who are citizens of the United States of America and have been detailed for duty with the said Trade Commissioner by the Government of the said States.”

A. H. LLOYD,

*Joint Secretary to the Government of India.*

## MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, a message has been received from the Legislative Assembly. The message runs as follows :

"I am directed to inform the Council of State that the following motion was carried in the Legislative Assembly at its meeting held on Thursday, the 14th September, 1933, and to request the concurrence of the Council of State in the said motion :

'That this Assembly do recommend to the Council of State that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be referred to a Joint Committee of this Assembly and of the Council of State with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members'."

## BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 14th and 15th September, 1933, namely :

A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment) ;

A Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager ; and

A Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India.

## MOTION *RE* JOINT COMMITTEE ON THE RESERVE BANK OF INDIA BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I move :

"That this Council do concur in the Resolution passed in the Legislative Assembly recommending that the Bill to constitute a Reserve Bank of India be committed to a Joint Committee of the Council of State and of the Legislative Assembly with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

Sir, I think that this motion can fairly be described as one of the most important Resolutions which has been brought before this House for some years, and in the first place, I wish to express the regret of Sir George Schuster, the Honourable Finance Member, that he is not able to be present in person today. Unfortunately he cannot be in two places at once, and in another place this morning he is in charge of two Bills and there is also an important debate in which he will probably have to participate. I am, therefore, to express his regret for his absence here today.

The importance of this Resolution, Sir, is not only financial but constitutional, and I hope that this House will give it the consideration which it merits as an attempt to follow up the line of thought, adumbrated at the Round Table Conferences and more clearly developed in the White Paper, that a transfer of financial responsibility at the Centre is a practical proposition

[Mr. J. B. Taylor.]

provided that proper arrangements are made for the separation of the administration of currency and finance. I do not wish at this stage to go into too much detail. The subject is familiar to all Members of this House, but I think it desirable that before launching the discussion I should endeavour to put the various elements of the problem in their proper perspective. The most important proposal in the present legislation, as I see it, is the separation of certain important executive functions and their delegation to a separate body. The separation of governmental powers is no new idea. Everybody is familiar with the arguments for the separation of the judicial from the executive, and, though the parallel is not complete in every respect, I think that it affords a very valuable illustration of what we have in mind in the present Reserve Bank legislation. Laws are framed by Governments but the actual administration of law is just as important, if not more important than its framing, and the same applies to the administration of currency and finance. It is not proposed that the Reserve Bank should be a law to itself; it will operate within clearly defined lines and these lines must be laid down by the Legislature, but even within these lines legislation is useless unless the administration is effective and responsible. To take a single instance there are many actions of the highest importance, which must be taken, in action is not to be too late, before it would be possible to consult anybody. The greatest care must therefore be taken to ensure that the body which administers currency legislation is of such a character as to command the confidence of the country. The proposed bank will also have a wider constitutional function. The object of all constitutional separation is to allow checks to operate on counter-check: that is why there are two Chambers in the Legislature; and the broad purpose of the White Paper, as I see it, is to replace outside checks by internal ones. In matters of currency therefore it is desirable that there should be a body outside the Legislature which will represent the financial interests of the country and which can make their voice heard if they consider that any policy is being adopted without due consideration of all the interests involved. The universal experience of all countries is that this check can be most suitably applied by an institution which represents a wide and influential body of shareholders.

It is true that if we were looking at this matter purely from the financial standpoint we would probably not have chosen this particular moment to alter our arrangements for currency administration, though even this statement is not completely correct without qualification. As a result of various developments in the recent past which have been frequently discussed in this House and which I need not elaborate, the credit of India has improved in a manner which would have been considered quite impossible 24 months ago and we can now fairly say that we have sufficient gold and sterling within our grasp to bring within easy reach the reserve of 50 per cent. in external assets which the proposals of 1927 indicated as sufficient to enable a Reserve Bank to begin to function. A much stronger argument for early action is, however, the constitutional developments indicated in the White Paper. There it has been laid down that a Reserve Bank must not only have been created but must be functioning successfully before the new constitution comes into being at the Centre. It would obviously be unfair to the new

Directorate to launch the Bank simultaneously with the reformed constitution; they must be given reasonable time to find their feet before they can assume the position reserved for them in the constitutional proposals. For these reasons the earlier action is taken the better, and we consider that our proposals afford opportunity for the maximum amount of consultation combined with speedy execution.

Sir, I move.

THE HONOURABLE THE PRESIDENT: I may point out to Honourable Members that they will be entitled in connection with this motion and the following motion to discuss the principles of the Bill only. This is not the time to go into the details of the several provisions of the Bill, but the general principles can be discussed by Honourable Members, because once the Bill is remitted to the Select Committee this Council commits itself as regards the principles of the Bill. Honourable Members must also bear in mind that they will get other abundant opportunities of discussing the details of this Bill and therefore I trust their observations this morning will be confined to the broad principles of the Bill.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I am thankful to you for having given me the opportunity of addressing this House at this stage. It seems to me that we should be grateful for the gracious goodwill of the other House that we are, at all, able to discuss this proposal for a Joint Committee. I purposely refer to this matter as I heard only the other day in the lobby of the other House, and it looked at one time that the Members there did not consider it worth their while to have representatives from this House on the Committee. Some of them suspected that the addition of the Members from this House on the Committee would render the Committee subservient to the wishes of the Executive Government; while others thought that the Members of this House were hardly competent to deal with matters connected with the Bill under discussion. I would, Sir, most strongly protest against either of these insinuations.

Sir, it was trite to say that the Members of this House are men tried and versed in public affairs, successful in business, and in no wise incapable of sturdy judgment of their own. If I could but refer to some instances, may I without impertinence ask, where can we find another man like yourself or Rai Bahadur Lala Ram Saran Das with qualification and equipment just apt for a deliberation of this kind? I confess, Sir, that I am neither a banker, nor a financier, nor a banking or financial expert. I am at best a student of public finance and somewhat of public affairs. The remarks I venture to offer on this occasion, therefore, are made with all humility and may I say with hesitancy and diffidence of such a student.

The task before the Joint Committee will be of a momentous and arduous character and their main problem will be so to shape and mould the Bill that it will evoke popular support on all hands. Their single-minded efforts should be to remove from the public mind the shadow of any suspicion with regard to the proposed Bank.

The controversy whether the Bank should be a Shareholders' Bank or a State Bank is still agitating the public mind. This is one of the matters which

[Mr. Bijay Kumar Basu.]

has to be threshed out in the Joint Committee. A State Bank should not be understood as an institution controlled by the Government. In such a Bank the Directors would be chosen on a plan analogous to that which is followed for choosing members of the Port Trust or the Improvement Trust in different centres. The Directorate would be a perfectly independent body just as the members of a Port Trust or an Improvement Trust are or at any rate are expected to be. These appointments will be like the appointments of High Court Judges; although they are appointed by the Executive they are in no way controlled by them. All that is wanted in this connection is that the Directorate or Management should be independent and free from any control, political or governmental, and that such a body should be essentially Indian in character.

There is also a suspicion in the public mind that the control of the Bank may be subjected to interests representing British finance. I think that it was to banish such suspicion that the majority of the London Committee advocated and supported a Shareholders' Bank with restrictions on voting and distribution of shares on regional basis and further to avoid the risk of the Bank being run for the shareholders' benefit a limit on dividend was prescribed. If the Joint Committee find that it is not possible to free the Bank either from political or from British influence, unless it was a Shareholders' Bank, I think the Committee will have to consider whether some further restrictions should be inserted in the Bill—for example, that none but nationals should be permitted to become shareholders. But if it is found that in the present state of the country it is not possible to exclude Britishers from holding shares, it may be necessary to impose some further conditions. Mere residence in India should not be enough qualification.

In this connection, Sir, I beg to add my support to the proposal that has already been approved that the Government should have the option of buying back the shares after a specified period at a specified price. This suggestion emanated from my friend Mr. C. S. Rangaswami and I find that it has been accepted on all hands. If I may venture to make a suggestion, the addition of an expert like Mr. Rangaswami to the Joint Committee would considerably strengthen its personnel. I believe that some means could be found for getting him in either of the two Houses for this purpose and I am confident that all groups, including that represented by my friend, Mr. Henderson, will warmly welcome my suggestion.

The Joint Committee will have further to consider (1) whether some regulations will be necessary with regard to the transfer of shares from one register to another with a view to ensure that the registered shareholders in any one region do not fall below any specified minimum; (2) whether the Head Office of the Bank should be permanently in Bombay; (3) whether of the Governor and Deputy Governors, one at least should be an Indian; (4) whether the appointment of the four Directors by the Governor General should be made now on the recommendation of the Finance Member, and hereafter on the recommendation of the Central Board will be according to clause 15 of the Bill, or whether the nominated Central Board of Directors should vacate office as soon as the allotment of shares is made and elections of the Local Boards are completed.

The 1928 Bill provided for a gold bullion standard, but at the present moment it is inevitable that we can only have a sterling exchange standard. But the Joint Committee knowing that it is only tentative and provisional should devise the steps that should be taken to pave the way for a standard of a more permanent character. The London Committee has suggested that the minimum gold reserve should be Rs. 35 crores. It is, however, generally recognised that the emphasis in such a standard is not on gold, but on sterling assets. This is true to a certain extent. But there is a larger question. Do we not find that England even after she went off the gold standard has, far from frittering away her gold resources, in fact increased her gold holdings since September, 1931. The fact is that, whether on gold or off gold, all countries have yet the same old passion for the yellow metal. In deciding upon the minimum amount of gold in our reserve and upon our future policy as regards gold exports as also of gold purchases by the Government, the Joint Committee will have to bear in mind three distinct factors :

- (1) The reserve in gold required against our paper notes.
- (2) The reserve in gold required against our silver notes.
- (3) The margin required for Home Charges in the contingency of any year or two proving unpropitious for remittances by the Government to the Secretary of State by means of purchase of sterling in the open market.

Sir, I do not want to enter into the thorny question of the ratio. Suffice it to say that we shall certainly look into this question—whether India should not have the same discretion as Australia or New Zealand within the sterling area and use depreciation of currency as a potent lever to raise prices—an objective which was put forward in the Ottawa Conference and reaffirmed in London by the Empire Delegates after the World Economic Conference. This is a matter which concerns us very vitally and so should engage the serious attention of the Joint Committee.

Further the Committee will have to preserve very jealously the character of the Bank as a Bankers' Bank and to see that such facilities as may be possible may be given to qualified and approved Indian Joint Stock Banks to enable them to prosper on their own lines. From this point of view, the duty of the Joint Committee will be to examine very carefully and meticulously the terms and conditions that should be imposed in the agreement with the Imperial Bank of India and to guard against the Imperial Bank of India developing into an even more formidable rival to the Indian Joint Stock Banks than is now the case.

The Joint Committee will have further to examine in this connection whether the emoluments proposed to be given to the Imperial Bank are justified under the present circumstances which are widely different from those existing in 1927.

I exhort the Joint Committee to put out their best efforts to shape the Bill in such a way as would ensure its acceptance by the country and a smooth passage through the Legislatures, bearing in mind all the time that the establishment and working of the Reserve Bank has been made one of the conditions precedent in the White Paper for the long-promised and long-delayed reforms.



**THE HONOURABLE MR. J. S. HENDERSON** (Bengal Chamber of Commerce): Sir, in rising to support the motion, I should like to express as briefly as possible what, I think, may fairly be taken to be the view of European Commerce on the question of a Reserve Bank for India. In our opinion, the importance of, and indeed the necessity for such a Bank can hardly be called in question and scarcely be over estimated. It is of the most vital importance from the constitutional point of view because, as we all know, the establishment of a Reserve Bank is one of the principal pre-requisites to Federation, and it is a necessity because the functions which have hitherto been carried out by Government in the shape of the control of currency, employment of funds, flotation of loans, and other cognate services, are really those of a Central Bank and can more properly and effectively be dealt with by such a medium. Then, Sir, take the financial point of view. The establishment of a Reserve Bank will surely mark one of the biggest and most significant turning points in Indian financial history, as it will place the question of Indian currency and credit in the hands of an Indian institution responsible to an Indian Federal Government. As things are in the world today it is a happy circumstance that at the time the Bank is being inaugurated the rupee has been linked to sterling and India is enjoying the benefit of the advantages which are accruing as a direct result. Sterling has all the backing of the British Government's credit behind it and is working in the widest possible field, for London has once more become the financial centre of the world.

And now, Sir, I would like to draw special attention to the third paragraph of the preamble to the Bill, which envisages two things; first of all that the existing ratio is to be recognised as a temporary one, and, secondly, that a review of the ratio may be called for when the International monetary position has become sufficiently clear and stable to make it possible to frame permanent measures. In this connection, Sir, the interests which I represent feel most strongly that there should be no present alteration in the ratio, and that if and when the review envisaged in the preamble takes place, it should not take the shape of a Currency Commission, which always has an unsettling effect on trade and commerce and is the cause of speculation all over the country, but should take the form of an expert enquiry conducted by the Government with the assistance of the expert opinion which will by then be available in the person of the Executive and Directorate of the Reserve Bank. As I have already indicated, and as I would stress strongly once again, we hope most earnestly that Indian and European opinion alike will refuse to countenance any attempt to re-open at present the ratio issue with all the uncertainty that will thus be caused. As has been ably pointed out in a recent issue of a leading financial weekly, India's long established connection with the London Market, her financial dependence on that Market, and her enormous trade within the British Empire, are all factors that rule out the possibility at the present time of any Exchange policy not in conformity with that of London.

On the point as to whether the Reserve Bank should be a State or a Shareholders' Bank, there has been considerable difference of opinion. The controversy at the moment is largely an academic one but we would be inclined to favour the choice of a Shareholders' Bank as provided for in the Bill, if for no other reason than that most Central Banks are so constituted and have

been found in practice to give entire satisfaction. A further reason is that the London Committee after, no doubt, the fullest investigation, have almost unanimously decided in favour of a Shareholders' Bank. I am not inclined to share the apprehension which has been expressed in some quarters as to the danger of the control of the Bank passing into the hands of a group of capitalists or other interested persons under the proposed shareholders régime. I believe that it will always be possible, if not indeed necessary, in the Committee stage to devise such safeguards as will effectively prevent what my Indian friends would call *benami* holdings of shares. The real danger will lie in the possibility of any syndicate or clique trying to secure voting power by the distribution of shares amongst a numerically large body of nominees of their own. Once manipulation of this kind is made impossible, however, it may safely be said that the Bank will be in proper and worthy hands. There is much to be said in favour of the proposal that a provision should be inserted in the Bill under which Government would have the option of buying back the shares at a certain specified price at the end of say 10 or 15 years. We must, I think, recognise that fundamental changes are taking place in the testing times through which we are passing, and that we should therefore be in a position to meet these changes should such developments in world technique of Central Banking render it necessary for India to adopt like changes. If this option is exercised, it is essential that a suitable constitution for the Directorate should first be devised so as to ensure the completest freedom from political influences. The period should be sufficiently long to enable adequate experience to be gained, and the option, after that period, should be exercised by a responsible Federal Government.

I now come to the question of the location of the Central Office of the Reserve Bank, which, under the provisions of the Bill is to be established in Bombay. We hold very strongly that the Central Office should not be definitely located at one centre but that it should change throughout each year to different centres such as Bombay, Madras and Calcutta, as is done at present in the case of the Central Office of the Imperial Bank of India. If the Head Office of the Bank is fixed in any one place, the sectional interests of that place must be supreme, and the whole scheme of election defeated. The Imperial Bank system in this matter is the only one possible if the interests of India as a whole are to be served, and I desire to stress this point with all the emphasis possible and sincerely trust it will be given further consideration.

And now, Sir, in closing, I would like to take advantage of this opportunity to pay our tribute to the unremitting and splendid work which has been put in by the present Finance Member and his predecessor in office, as also by the London Committee in bringing this Bill into being. We believe that if the Bank is constituted on the basis of a Shareholders' Bank, that, as in the case of the Local and Central Boards of the Imperial Bank today, so in the future there will be found on the Boards of the Reserve Bank eminent financiers of the type of Sir Purshotamdas Thakurdas, Sir Dinshaw Wacha, Sir Rajendranath Mookerjee, the Raja of Chettinad, and others whom I need not mention but whose names are familiar to us all.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, I rise to support the motion of the Honourable Mr. Taylor. At this stage of the consideration of the measure I do not think it is

[Mr. Mahmood Suhrawardy.]

either advisable or expedient to enter into a detailed examination of the fifty odd clauses of the Reserve Bank Bill. We have to bear in mind that the proposal for the establishment of a Reserve Bank has received the sanction of responsible representatives of the people and that, on the strength of this sanction, the Secretary of State for India has proceeded with plans which have resulted in the Bill now before this House. One cannot also ignore the fact that the establishment of a Reserve Bank is a condition precedent to the introduction of the new reforms. This House, I am sure, will not take the responsibility of taking any steps in the consideration of the Reserve Bank Bill which may have the effect of delaying the dawn of a new constitution in India. To my mind, it is essential that we should keep prominently before our mind's eye *the very salutary condition adumbrated by the Federal Structure Committee*, namely, that the Bank should be established on sure foundations and that it should be *free from any political influence*. I think we may even go further than that and see to it that when the Bill finally emerges from the Joint Committee of the Legislature it may be so framed that it may infallibly ensure the protection of all interests in India without any discrimination.

Sir, I support the motion on behalf of my party.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa: Non-Muhammadan): Sir, at the outset I must confess that I am in complete agreement with the principle underlying the Bill and consequently I support the motion for the reference of the Bill to the Joint Select Committee. But, Sir, in supporting the motion I would like to make a few observations which I would request those Members of the House who will go to the Joint Select Committee to consider if they are likely to remedy some of the defects to make the Bill more attractive to the people and to disarm the criticisms that are being levelled against the Bill at present. Sir, it is no use repeating that India is mainly an agricultural country. I think the establishment of a Reserve Bank will help agriculturists in obtaining better prices for their produce by the easy circulation of the currency throughout the country, through the establishment of a Bank as proposed. At present when revenue, rents and taxes are collected, generally the vast amount of currency remains locked up in the treasuries, thereby bringing in the contraction of currency which ultimately brings down the price of agricultural produce and consequently the poor agriculturists are the worst sufferers. At present Government do not do banking business and therefore they are not in a position to know exactly at what particular periods of the year, the expansion of currency is needed or when its contraction is necessary. It is the Bank and the Bank alone, of the kind proposed which will be working like a barometer showing the brisk season or a dull season when currency is to be contracted or expanded.

Sir, I have nothing to say against making this Bank a Shareholders' Bank provided the Bill is armed with clauses bringing down the proposed value of each share from Rs. 500 to Rs. 100. The idea underlying my suggestion is to make it as popular as possible and the voting right should be given to any person who holds five shares. Sir, I would like to suggest further that at least three-fourths of the shares to be floated for the Bank must be held by natural born Indians. I agree with the Finance Member that the Bank should be made

free from all political influence. Sir, I do not see any reason why the Government should have such a predominating influence on the Directorate of the Bank. I would suggest that the number to be nominated should be substantially reduced whereas the number to represent the agriculturists should on the other hand be increased either by giving a larger share of representations to the Cooperative Banks or by any other means to be devised by the Joint Select Committee. I would then suggest that the proposed five crores value of shares should be raised to at least ten crores, so that there may be a wide variety of interests who could hold shares in the Bank.

Last but not least important is the point to consider seriously the ways and means to encourage gold currency and provide India with gold reserves, but if the present arrangement of the Directorate and tagging the proposed Bank to the Bank of England making it subservient to the London Bank is given effect to, then, Sir, I am afraid the Bank will be run by men who would never allow methods to be adopted for the accumulation of gold in India lest such accumulation might disturb European money markets.

Before I conclude I would like to bring to the notice of the House that the proposed arrangement of carrying on the work of our Reserve Bank, in London, through the Bank of London deserves serious consideration. To my mind we should open a branch in London as Indians working in that branch will get the opportunity of becoming experts in the line like some British experts and will get the chance of studying the world monetary markets. We should not lose the rare opportunity of training some of our men in this line of currency and banking for which there is so much dearth in the country in comparison with other countries of the world.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I rise to support the motion but with trepidation not because I do not agree with the principle of the Bill for establishing a Reserve Bank but because the Bill contains certain provisions to which I can not subscribe. I do not deny for a moment that the Bill when passed will be a landmark in the history of Indian Legislature but, Sir, I do not like the landmark to be blackened with specks of tar. Sir, in the words of the Honourable the Finance Member the present Bill does not contain any provision limiting the holding of shares by a single individual shareholder but there is a provision which limits the voting power limiting the number of votes permissible to ten. To my mind, Sir, there should be a limitation to the number of shares that an individual may be allowed to hold and that the number of votes to be permissible to a single individual or a body should in no circumstances exceed five. If there be no limit of the holding of shares then a time may come when big capitalists will raise the share value in the market and will purchase almost all shares from small investors and I say it might be possible that these few capitalists will make a combine, it does not matter whether such a combine consists of the brown capitalists or the white. I for one can never agree to a course which ultimately may take such a turn as is envisaged by me. Then, in the course of the speech by the Honourable the Finance Member in the other House, he stated that a new arrangement is to be made with the Imperial Bank and the period for which the arrangement is to be made is also to be considered. Again, further on he stated that the question of paying the

[Mr. Jagadish Chandra Banerjee.]

compensation to the Imperial Bank will have to be considered as well. Sir, all these years by the system of monopoly given to the Imperial Bank they have made the shareholders and the Directors of the said Bank more rich than they expected. Further the transactions of banking has been performed by them in such a way that money was never made available for the development of indigenous industries. Indian Banks have never been helped to develop. That being so, Sir, I would be the last person to agree to any future arrangements to be entered into with the Imperial Bank. In 1928, when the Gold Standard and Reserve Bank was brought before this House the position with regard to the Imperial Bank was quite different in so far that the ten years agreement by Government with the Imperial Bank was still in force but whereas since 1930 that agreement is over and now they are working under an annual agreement from year to year. Therefore, at the end of the present agreement the contract should not be renewed. I would like to see either branches of the Reserve Bank to be established all over India or arrangements should be tried with Indian-managed stable banks. If Government comes forward with the argument that there are no stable Indian banks I would blame the Government for such a state of affairs after a British rule of about two centuries.

Then, Sir, I come to the remarks by the Finance Member that the question of whether the existing monetary system should be changed is a matter which will have to be dealt with differently and separately. I would ask the Government why they should not take the present opportunity just before establishing the Reserve Bank to examine how far the present monetary system requires a change.

Sir, the net result of the proposed arrangement of the Reserve Bank will be to hand over the administration of finance of the country to a West English Company consisting of the Governor General, his nominees and the Secretary of State in place of the East India Company of old days. Sir, unless and until the Reserve Bank be made a national concern it would be better if we drift with our monetary policy tagged with English sterling. Because in that case if there be a financial crash and credit is lost the blame attaches to the present bureaucracy. By the establishment of the Bank in its proposed form the bureaucracy is trying to camouflage the world opinion that the Indian currency policy is being handled by the Indian Reserve Bank conducted by Indian Directors. But in actuality these nominees of the Governor General will be dancing at their masters' bidding and will be reproducing their masters' voice, that is, the voice of the Bank of England.

Lastly, in coming to the point of political influence over the Bank my nervousness about the future of the proposed Bank is all the more increased by the statement published only yesterday by no less a person than Sir Purshotamdas Thakurdas, who is one of the very few Indians whom India can claim as experts on the subject of finance and currency and who was present in almost all the stages of the Round Table Conference where this question was first mooted and thrashed. Sir, he denounces the recommendation of the Expert Committee as contrary to the intention of the agreement reached at the third Round

**Table Conference:** According to him the Secretary of State on June 28th qualified the broad principle accepted with the following words :

“ the Reserve Bank should be free from political influence so far as we can make it ”.

The main underlying idea, according to Sir Purshotamdas, is that the institution (board and management) should work from day to day as a commercial organisation pure and simple on lines laid down for the purposes of policy by the Indian Legislature. According to him the Secretary of State is going back on the agreement arrived at before and in the circumstances, Sir, the State Bank becomes an imperative necessity.

With the words, Sir, I close my remarks.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central : Non-Muhammadan) : Sir, I join in my expression of the sense of gratitude with Mr. Basu for the Members of the Assembly as well as Government in referring this Bill to a Joint Select Committee of both Houses. Sir, we have made complaints on several occasions on the floor of this House that it is being treated with scant courtesy in that respect. Bills are not referred to Joint Select Committees, nor any Members of this House nominated on them, and I am glad that for once the Government has realised the importance of referring this Bill to a Joint Committee of both Houses.

As some speakers have said, the Government had made the establishment of the Reserve Bank a condition precedent to the introduction of the new reforms. So we were all anxious for its establishment and we are glad that Government have brought it before the Legislature at an early date. Sir, certain conditions were also imposed for the establishment of the Reserve Bank and we thought that they were so stiff and beyond control that it might take 10 or 15 years before it could be brought into existence. They were as follows: firstly, that the Indian budgetary position should be assured; secondly, that the existing short term debt both in London and in India should be substantially reduced; thirdly, that adequate reserves should be accumulated; and fourthly, that India's normal export surplus should have been restored. These were the four conditions precedent to the establishment of the Reserve Bank. It is sheer good luck that not one or two, but almost all of them have practically been fulfilled in such a short time and the time has come now for the establishment of the Reserve Bank.

Sir, we are glad to find from the report of the Committee on Indian Reserve Bank legislation which sat in London that they were unanimous on several points, but yet there was difference of opinion on many fundamental points and some of the Indian members representing the national point of view got their dissent recorded here and there. Sir, as you have remarked before the commencement of the discussion that we should not go into the details of the Bill, the time will come when the Bill emerges out of the Select Committee and nobody knows what changes are to be made in the Committee; but, Sir, we must draw the attention of the members of the Select Committee to some of the important features of the Bill, so that it may help them in re-shaping it. As we know, three full days have been spent in the Lower House on the question whether the Reserve Bank should be a Shareholders' Bank or a State

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Bank. Divergent views have been placed before the Assembly and also in the press. I for one, Sir, have not been yet able to decide which will be the better in the present circumstances, and so I will keep an open mind till the report of the Select Committee is received. Sir, there are several advantages and disadvantages in both the schemes and we also know that there are in some foreign countries where the bank is a Shareholders' Bank while in others where it is a State Bank. The Bank of England, the Federal Bank of the United States and the Bank of France are all Shareholders' Banks, while the Bank of Australia and the Bank of Sweden are State Banks, although it is said that they are also considering their position very seriously. To my mind it is not of particular importance for this poor country whether it is a Shareholders' Bank or a State Bank. What is most important is the spirit in which it is to be worked. Both types of banks can be successful if there is a will to make them so.

Sir, the report of the Committee on the Reserve Bank which sat in London has laid stress on the point that the Reserve Bank should be free from political influence. It is a very laudable wish, but as I find from the scheme, it has been reduced to a pious wish. On page 1 they say :

" We fully accept the principle that the Reserve Bank should be free from any political influence. The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders and we recommend that this plan should be adopted in the case of India ".

But, Sir, as we go into the report we find certain recommendations which go at the root of this expression that it should be free from political influence. What I find is that the Governor General and the Secretary of State will practically mould the policy. It may be said that they do not represent any political party but I, for one, think that they represent the biggest political party in the country. The Governor and the Deputy Governors will be appointed by the Governor General and as they will be the chief executive officers they will be practically moulding the policy of this Bank ; besides, Sir, there will be four nominated Directors on the Board in addition to one officer of the Government sitting at meetings. So, Sir, I do not think that from these recommendations it can safely be said that the Bank will be free from political influences.

Sir, the recommendations have gone to a limit when they say that the Governor General will fix the rate of dividend to be given to shareholders. In that respect, Sir, too the Directors will be practically helpless. I refer Honourable Members to page 6 of the report of the Committee. They say :

" The appropriate rate for the fixed dividend must depend to some extent on the return on comparable securities at the time of issue of the shares. We recommend that the Bill should empower the Governor General in Council to fix this rate, subject to a maximum of 5 per cent. Provision should also be made, on the lines of the Third Schedule to the 1928 Bill, for a gradually increasing dividend up to a maximum of 6 per cent. ".

So, Sir, by these recommendations I find that the Directors will be helpless in the declaration of the rate of dividend. I hope that these points will be seriously considered by the Select Committee.

Then, Sir, I being an agriculturist myself as well as belonging to a class of agriculturists, find that there has been shown absolutely no consideration so far

as their interests are concerned. The report only says this much that for the sake of keeping the representatives or bringing the representatives of agricultural interests, power to nominate four Directors has been given to the Governor General. If the agriculturists are not returned by the shareholders, the Governor General may be pleased to nominate one or two out of them. But, Sir, we also find from the report that certain recommendations have been made by which it is very difficult for the agriculturist as such to get representation on the Board of Directors out of the share capital of Rs. 5 crores. The value of a share has been fixed at Rs. 500. I think that it is too much and the agriculturist may not be able to purchase a large number of shares to be able to return their representatives. I think it should not be more than Rs. 100 and I draw the attention of the Select Committee to this very particular item.

Then, Sir, the qualifications of a Director have also been fixed at holding shares of a value of Rs. 10,000. I think it is a very high figure and should also be lowered and should not be more than Rs. 5,000.

Sir, the system of election as suggested in the report is also not of the best type for the agriculturist and I would also draw the attention of the Select Committee to that matter. The whole of India has been divided into five centres and at each centre it is proposed to have a Board more or less, called an Advisory Board. The qualifications of the Directors of that Board as well as their election is the same as that of the Central Board. So if the qualifications of the Directors of these Boards as well as the shareholders as I have said are reduced the agriculturist may be able to get into these Boards although they have no executive powers and they are merely advisory bodies. For this, Sir, I would draw the attention of the House to page 2. There they have said :

“ Apart from their functions in the machinery by which Directors are appointed, the Local Boards would have no executive duties, except as may be delegated to them by the Central Board. Otherwise they would be purely *advisory bodies* ”.

Sir, I would ask the Select Committee to increase the number of these local Advisory Boards from five to ten and out of which at least half should be reserved for the representatives of the agriculturists as well as cooperative institutions and the remaining half may be left open for the general public or the capitalist and the commercial interests as they may call them. They say that the Central Board will have power to coopt three additional members on the Local Boards. I would submit, Sir, that instead of giving these powers to the Central Board to coopt three and increase the number of the Local Boards from five to eight, provision should be made that their number should be fixed at ten.

Then, Sir, another point which has struck me as very important is in regard to the relations of the Reserve Bank with the Imperial Bank of India and from their recommendations I find that extreme favouritism has been shown to the Imperial Bank. On page 7, paragraph 29, they say :

“ We recommend that the Reserve Bank should be required to enter into an agreement with the Imperial Bank on the general lines of clause 45 of the 1928 Bill, but we consider that the period of 25 years prescribed in that clause is too long, and we suggest that this point should be further considered by the Government of India ”.

Then, Sir, later on they say that the Imperial Bank should be made sole agent of the Reserve Bank of India. I would certainly protest against this



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recommendation and would submit for the consideration of the Select Committee that tenders should be invited from well-established and recognised banks in India and if the Reserve Bank gets a better tender from an established bank there is absolutely no reason why it should be made the sole agent of the Reserve Bank. They say in this connection, Sir :

“ With regard to the Second Schedule to the 1928 Bill, we approve of the provision that the Imperial Bank should be the sole agent of the Reserve Bank at all places in British India where there is a branch of the Imperial Bank of India and no branch of the Banking Department of the Reserve Bank ”.

Later on they have said, Sir, that where there is no branch of the Imperial Bank of India the choice will be left to the Reserve Bank to appoint anybody as their agent. If it can be proper and safe at places where there are no branches of the Imperial Bank of India to employ other banks as agents, I fail to see, Sir, why it should not be proper and safe at places where there are branches of the Imperial Bank of India, provided the other banks give better rates to the Reserve Bank ?

Then, Sir, one peculiar recommendation has been made regarding the compensation to be paid to the Imperial Bank of India. This is what they say :

“ It was submitted to us that, apart from the question of remuneration for services to be rendered, the Imperial Bank of India has a moral claim for compensation in respect of its disappointed expectations and of commitments which it undertook, by arrangement with Government, before the institution of the Reserve Bank was contemplated \* \* \* We do not consider that the question whether the Imperial Bank is entitled to compensation is within the purview of this Committee, but, in any case, we cannot recommend any special allocation of Reserve Bank shares to the shareholders of the Imperial Bank, as this would be inconsistent with our scheme for the distribution of shares on the broadest possible basis throughout India. We have no doubt, however, that any claim for compensation which may be put forward by the Imperial Bank will receive due consideration by the authorities in India. If the claim is conceded we consider that the compensation should be given in some other form ”.

I would submit, Sir, that absolutely no compensation should be given to the Imperial Bank of India. They have for so many years enjoyed a monopoly so far as Government funds were concerned. They were the bankers of the Government of India and Local Governments and always held about Rs. 14 or Rs. 15 crores without any interest, besides receiving so many facilities from the hands of the Government of India. The shareholders themselves have not only got back their money which they invested, but several times over and above, and therefore there should be absolutely no question of compensation to the Imperial Bank of India.

The last question on which I will lay stress is the exchange and currency policy. I regard it as one of the most important questions but most unsatisfactorily solved in the Committee, with all the highest respect that I hold for the members of the Committee. I find that several of the Indian representatives have recorded their disapproval in coming to a decision on this question. It is the most disappointing feature of the Bill. The Committee considers that the only sound course for India in the circumstances is to remain on the sterling

standard. I will refer Honourable Members to page 4 of their report where they say :

"On this basis the exchange obligations incorporated in the Bill must necessarily be in accord with the rupee-sterling ratio existing at the time when the Bill is introduced \* \* The ratio provisions in the Bill are designed to make it clear that there will not be any change in the *de facto* situation by the mere coming into operation of the Reserve Bank Act."

This means that India cannot have an exchange policy of its own and that the rupee will be tied to the apron strings of the sterling. I fail to understand why their hands should be tied in this manner? What the recommendation of the Committee in effect means is that the existing exchange and currency policy which has been so widely criticised and has led to so much misunderstanding is to be continued. Are there, I ask, any other Reserve Banks whose powers in connection with the vital questions of currency and exchange are so restricted by legislative enactments constituting them? A considerable majority of the Indian Delegates, I am glad, recorded their disapproval of this recommendation of the Committee. The Committee have said :

"A considerable majority of the Indian Delegates feel it their duty to record their view that a suitable exchange ratio is one of the essential factors for the successful working of the Reserve Bank. They point that considerable changes have occurred in the currency bases and policies of almost all the countries of the world in the last few years. In their view it is for the Government of India and the Legislature to examine these and all other relevant considerations with a view to ensuring that the minimum possible strain is placed on the currency system of India."

Sir, all the concessions which they could get in connection with this policy are stated as follows :

"We are all agreed that it should, in any case, be made clear in the Preamble that the whole question of the monetary standard best suited to India will have to be reviewed when the international monetary position has clarified itself and become sufficiently stable to make it possible to frame more permanent provisions."

That was all they could get by way of compromise from the other members of the Reserve Bank Committee which sat in London.

Sir, the United States, at a time of monetary instability is making experiments to find out what is the suitable ratio for it, and the dollar is swinging violently backwards and forwards. The World Economic Conference was wrecked because the United States refused to stabilise its currency. Britain refuses to link the sterling either with gold or with dollar and pursues a policy which it thinks to be in the best interests of its country. But poor India, even after the establishment of a Reserve Bank is to be denied a similar freedom and its exchange policy will necessarily be subservient to that of Britain. The rupee will sink or swim with the paper sterling. This is a highly unsatisfactory position from the Indian point of view.

Sir, before closing my remarks I would refer to a statement of Sir Montagu Webb, who, writing in the *Times of India* observes in the course of an article in which he has urged the re-opening of the Indian Mints to the coinage of full legal tender silver rupees as follows. Sir, this is the opinion not of an Indian but of an Englishman :

"It is of vital importance to India, even with her overvalued rupee, and under-priced products, that her hundreds of million of industrious and hard-working hand and brain workers should not be handicapped by having their thoroughly sound silver currency artificially linked to the paper currencies of the West the values of which now depend upon circumstances entirely beyond India's control \* \* \* \* Great Britain will not return

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to gold ; that is now quite certain. And, to attempt to tie the good silver rupee to the new paper pound or the new paper dollar would, in my opinion, be *indefensible* because, I submit, wholly contrary to India's best interests which require an immediate, steady and long continued rise of rupee prices, at least to the levels of 1928."

That is what he has said. What Sir Montagu Webb regards as *indefensible* is proposed to be done. The rupee will not be divorced from the sterling nor will the rupee-sterling ratio be altered. No section of Indian opinion wanted a Reserve Bank which would be so crippled in the discharge of its most important duty relating to currency and exchange. I hope the Select Committee will keep all these suggestions in mind which I have been able to throw out to them.

With these words, Sir, I support the motion for a Joint Select Committee.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan): Sir, I rise to support the motion. Sir, whatever may be the difference of opinion as regards the details, whether the Bank which the Bill proposes to set up is not only the satisfying of the condition which has been made the *sine qua non* for the constitutional advance for which we are all so anxious, but is also otherwise necessary in the best interests of the country. Whether the White Paper was right in laying down certain conditions as being conditions precedent to the introduction of Federation in India is a matter which is open to question, but no body can for a moment question the necessity of such a National Bank which is required to direct the currency and exchange and assist the commercial industry of the country. It is true that the mere coming into being of the Reserve Bank will not by itself cure all the economic ills from which the country is now suffering, but, Sir, it is no less true that when it is well established it will certainly go a very long way in mitigating these evils. It is bound to improve the finances of the country, to increase the banking powers, to assist the indigenous banks in times of difficulty. If only this Bank which is proposed to be established by this Bill is rightly managed, if it is fortunate in securing the proper type of men for its Directors, if it, with a singleness of purpose, addresses itself to the task for which it is primarily intended, namely, the task of safeguarding the real interests of the country and not merely the earning of huge profits for the shareholders, then this Bank is bound to prove to be one of the most potent factors which will go to make for real prosperity of the country.

Now, Sir, one of the most important questions that will have to be decided by the Select Committee will be to see whether the Bank which is proposed to be established should be a State Bank or a Shareholders' Bank. Since much has been said about this matter both in this House and in the other place, I do not wish to enter into any very elaborate argument about this. All that I wish to say is that the Committee in coming to a decision about this matter will have to be guided not only by what the report of the London Committee has stated but also by what it finds to be the conditions obtaining in other countries in the world. We find that almost every important country in the world has such a Central Bank. We find also that except in the case of one or two of these countries the banks are Shareholders' Banks. There is this tendency quite patent that the attempt is made to keep this institution immune as far as practicable from all interference of party politics. It is not quite possible to

eliminate political influence from an institution like the Central Bank, but it has been deemed desirable, the experience of the countries which have been working these institutions for several years, has shown it to be desirable that this institution should be kept as far as practicable free from undue political interference. Sir, my Honourable friend, who has just preceded me, was of opinion that it was a matter of indifference whether it was a State Bank or a Shareholders' Bank, provided it was a bank which worked in the spirit in which it ought to. I agree with every word that he said about the proper spirit but I should like to submit that the spirit in which the Bank would be worked would have to be created by us. The spirit will be created by the circumstances under which the Bank will have to function, by the functionaries who have to work the Bank. So to my mind it looks as if this question of whether it should be a Shareholders' Bank or a State Bank is not a matter of indifference, but that it is a very vital matter, a matter which is bound to have tremendous influence upon the success or otherwise of the Bank. Sir, the same Honourable speaker stated that even though the object of this Bill is to keep out political influence, it has after all succeeded in making it only a pious wish, and that by the very provisions of the Bill political influence has been introduced; even though it may not be the political influence of the people of this country, but a political influence of a different character (Hear, hear) inasmuch as the Governor and Deputy Governors and four Directors will be the nominees of the Governor General. Sir, I feel that it is impossible to do away with this kind of political influence altogether. As has been observed by my Honourable friend, Mr. Basu, these officers when once they are appointed, are perfectly independent and do not remain subservient to the Executive. The Governor, Deputy Governor, the four Directors who will have to be appointed by the Governor General will have to discharge their duty without fear or favour, regardless of the fact that they are nominees of the Governor and that their colleagues are representatives of the shareholders, and again, Sir, not only is it physically impossible for this kind of influence on the part of the Government to be altogether eliminated from this kind of institution but it is not even in the best interest of this institution, because emergencies might arise when the Government might have to interfere. Therefore, all that we have to guard against is the kind of political influence which has no stability, which smacks of party politics, which drifts from one thing to another, as one party or another happens to be in power. Therefore, in spite of the fact that the Bank might be a Shareholders' Bank the Government of the country is bound to exercise control, but this kind of control would not be quite as rigid, quite as complete and quite as embarrassing as the kind of control which would result if it happens to be a State Bank. Sir, it is better that this kind of Bank is allowed in ordinary circumstances to run on the lines best suited to the purpose for which it is intended, without constant and undue interference on the part of the Government. I feel that the Bank will be seriously hampered in its work and very likely to be deflected from its right course, if it is to be unduly subjected to political influence, if it is to be made the sport of party politics and if its policy and work is to be interfered with on every occasion when there is a change in Government.

Now, Sir, the other objection which has been stated here has been due to the fear that the Bank might be captured by a few capitalists. So far as this

[Saiyed Mohamed Padshah Sahib Bahadur.]

goes, we feel that the Bill has taken every precaution to guard against such a contingency. There is limiting of the original holding and besides that the maximum number of votes to be exercised by any shareholder irrespective of the value of his share has been limited. This is bound to prevent any undue influence resulting from a block of shares being held by any individual.

Now, Sir, a suggestion has been made that every effort should be made to give due representation to the interests of agriculturists and the landed proprietors. I am in perfect accord with that and I would say that the Governor General when he makes his nominations to the Directorate would take care to see that two at least of his nominees should represent the agriculturists interests in case this interest is not represented on the Directorate chosen by the shareholders.

Sir, this is not the stage to enter into elaborate details. I would simply say a word about the rupee and sterling and the ratio. Sir, I may at once say without going into any elaborate argument that it is an undesirable fact that in spite of the fluctuations that the sterling has in recent years been subjected to, it is still about the best currency in the world, and I think we would not be committing a serious blunder if we continue to be linked to the sterling. But so far as the question of ratio is concerned, I am afraid it is not a very easy matter. Government are aware of the feelings in the country on this matter; they are also aware of the vehement protests made when the present ratio was fixed; they are also aware of the adverse effects which this ratio has had upon the exports of the country. I need not go into all these details. All that I would like to suggest at the present moment is that the Government should at once take up this matter and give it their most earnest and serious consideration; if they find that the present ratio is not in the best interests of this country and England they should modify it; whether it should be 1s. 4d. or 1s. 2d. or 1s. 1d., it is not for me to say. All that I wish to submit is that the ratio that is best suited to the real interests of this country and the United Kingdom should be fixed. While I am on this point I should like to say that it will not be the business of the Select Committee to go into this question of ratio. It is the look-out of the Government to fix the ratio. If the Select Committee begins to investigate this matter and the country comes to think that there is a possibility of there being a change in the ratio it would mean a campaign of ruinous speculation. The best thing would be that before the actual ratio is fixed in the Bill the Government should review the whole question and fix the ratio which is in the best interests of this country and the United Kingdom.

With these words, Sir, I support the motion.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise now to speak on the motion before the House. I should like to have your permission to make a few preliminary remarks before I deal with the Bill itself. Mr. Basu drew our attention to the feeling which prevails in the country about ourselves. It is rather sad for us that such an opinion should be held by others about ourselves. We might form a mutual admiration society, but that will not change the real opinion of the country, which on account of our work or on account of our constitution or because of the trend of the Second Chambers, regards us as very conservative. I appeal to the

Honourable Member of Government in charge of this motion to make this an occasion to prove that this House is wrongly accused and that it has got independence. At this time, Sir, it is altogether dependent on the Finance Secretary to either make or mar the prestige of this House. We regret that in this Council we have lost some of the luminaries in whom we had a great deal of confidence and whose guidance would have been of great value on this question. Firstly, we lost you, Sir, by your elevation to the Chair; secondly, we have lost the greatest authority on this particular subject, Sir Dinshaw Wacha, who had been associated with currency business from the last century; and, thirdly, we have lost for the time being at least Sir Phiroze Sethna on account of his engagement on the Joint Select Committee of Parliament. In this condition it is essential that the Government should take special care to so select the members of the Joint Select Committee of this House that the outside world may not call us names.

Now, Sir, coming to the main Bill itself, I should like to point out that the main plank of the 1928 Bill was a State Bank, and although we cannot say that we are wedded to that idea, we at least do not regard it as disadvantageous, rather we have some respect for it, but we will be quite prepared to consider any alternative scheme which the Government might place before us provided it is proved to be in the interests of India. The question whether a Bank should be a State Bank or a Shareholders' Bank becomes more or less an academic question when one considers the actual working of the Bank. The real control of the Bank would be exercised by the Governor and the Deputy Governor. Even the Board of Directors, Sir, will have very little say in matters of details; they might lay down the policy only. The daily affairs of the Bank are usually managed by the Governor and that authority will be appointed by the Governor General at his discretion, which means the Governor General as distinct from the Government of the Federation. This will mean that the highest currency authority of the country will still remain, if not directly under the subordination at least theoretically, under the subordination of Whitehall or Threadneedle Street and consequently of England. If political influences are to be banned, they should be banned from both sides, from the right as well as from the left. It should not be that Indian political opinion should be ousted and British political opinion should have their say, and in this connection I was very much dissatisfied with the explanation that the Leader of the Independent Party gave. We know that in other countries the interests of the country and the interests of the Government are not divergent as unfortunately is the case with India. Here, Sir, we have to safeguard the interests of the masses and the interests of the agriculturists. The agricultural classes are the mainstay of India and on their prosperity depends the success or failure of not only the constitution but of every thing in India. No country, as far as I remember since the war, increased the price of its currency; they have deflated, they kept to the old standard with the solitary exception of India, which has appreciated its currency by  $12\frac{1}{2}$  per cent. Now, Sir, that we have left the gold standard, even now our position in terms of the currencies of those countries that have gone off the gold standard will still bear no comparison with our pre-war level.

We wish, Sir, that this Bank should have the power to regulate the exchange if we fix the exchange at 1s. 6d. now. If the Government desire to

[Mr. Hossain Imam.]

deprive it of this right, we would be perfectly willing, Sir, provided they now bring down the exchange to a level which is compatible with India's demand for higher prices for the commodities which we produce. The Bank, Sir, as at present framed, contains a great drawback in this that there is no explicit provision of the duties of the Governor and the Directors. We find in the articles of association of ordinary companies that there is a line of demarcation between the functions of the managing agents and the Directorate. Here, Sir, the Governor is more or less in the position of a managing agent and all those who have experience of the managing agency system and of the company system in India know in what way real control is exercised by that authority. It will be better, Sir, if in the Select Committee these points are elucidated.

The basic point about which there can be no difference of opinion is that we must have a gold basis for this Reserve Bank. To make it a success it should be so safeguarded and so arranged that once formed it goes on, for its failure would mean the ruin of India and every care taken to make it sound will have the unanimous approval of the whole of India. The fact, Sir, that this Bank will have two functions, that of issuing notes and of Central Banking, makes it necessary that its agency should not be the monopoly of any one concern. While the fact that the Imperial Bank of India, which up to now has been functioning as bankers of the Government of India, has a preferential claim to continue as the agent of the Reserve Bank should not be lost sight of, the demand of other indigenous Banks should also have due weight attached to it and in this connection it would be better, Sir, if in the Select Committee some arrangement is made whereby we can give to these contending parties an equitable share in the advantages of agency. In the constitution of the Directorate, Sir, I find that there is a difference between the period of office of the Directors appointed from Bombay and Calcutta and those from the Rangoon and Delhi centres. I do not know what was the reason which actuated the Government to give two different leases of life to these people—perhaps the people in the interior of India are supposed to be a little backward and it is thought that it would be better if they are given four years tutelage whereas the commercial centres of Bombay and Calcutta who are well up to the mark, will be trained for the management in two years' time. In this connection, I should like to say a few words about those provinces which are unfortunately not as rich or as advanced as Bengal or Bombay. I belong to Bihar, but Orissa and the Central Provinces are equally unfortunate as ourselves. If it were possible, Sir, to earmark one of the seats on the Directorate to one of these small provinces we should be very grateful to the Government.

THE HONOURABLE THE PRESIDENT : What about the other provinces ?

THE HONOURABLE MR. HOSSAIN IMAM : Well, I advocate that all the provinces that are backward should get a sort of weightage, just as the depressed classes have been given weightage.

Now, Sir, the first essential for the successful working of this Bank is that we must have an adequate gold reserve. As far as that is  
 1 P.M. concerned, Sir, the position which the Committee in London took up was a little disappointing. Not only have they not asked Government

to keep a 25 per cent. reserve in gold as ought to have been done but they have actually fixed the minimum at six to seven crores below our gold holding. That is a great defect and a point on which we in India feel very strongly. When everything is said and done gold remains and has remained the stabilising element and going off the gold standard does not mean that any one is prepared to squander his gold or that gold is unstable. I entirely agree with the Government that at the moment we cannot go back to gold, but we should not make it impossible for ourselves to go back to gold at any future date. If we reduce the gold holdings now we are placing a barrier in the way of returning to the gold standard, and this is a thing which is very essential and to which we may look forward. My Honourable friend Mr. Mehrotra referred to Sir Montagu Webb's opinion on the question of silver. I seem to remember, Sir, that Senator Pitman in America has made some proposal of a like nature for increasing the price of silver, and people in other countries too are now thinking that there is no escape from bi-metallism if they wish to establish prosperity in the world. The sinking of the currency of the country too much is not only disadvantageous to the country of origin but it will have adverse effects on all the countries interested. It stops the free flow between it and other countries. The prosperity of the world is now inter-dependent. We have now to think more in terms of internationalism than nationalism. The success of this Reserve Bank is not dependent on how far it can successfully function as the currency authority in India but on the amount of material prosperity which it brings to the country. If it does not bring prosperity to the country, it will to all intents and purposes be a sheer waste of time and energy. Government as the controlling authority of the currency have been managing this affair, whether well or not is a matter for the verdict of history. From the point of view that our currency has not failed it has been a success; but whether this new policy by which we are trying to rope in any number of people of divergent interests, of different classes and different communities to come in and help in the management of the currency of India will prove a success depends on how far it will give India a higher price for its goods and a lower rate of interest for its sterling commitments.

With these words, Sir, I support the motion.

THE HONOURABLE THE PRESIDENT: I think this will be a convenient time to adjourn the House.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council reassembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT: I must tender an apology for not being in the Chair at the appointed time. One of our colleagues was giving this noon a social function and many of us were a little late in returning here.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan): Sir, I have great pleasure in supporting the motion of the Honourable Mr. Taylor referring this Bill to a Joint Select Committee of both Houses. So far as my recollection goes, I think that since the year 1928, there was no reference of any Bill to a Joint Select Committee of



[Diwan Bahadur G. Narayanaswami Chetti.]

both the Houses and now for this privilege we are indeed greatly indebted to the Chair.

Coming to the provisions of the Bill, I do not want to go into details, because many of my Honourable colleagues have gone into the matter, but there are one or two points which I should like to touch upon which have been suggested by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra. It has been said that Rs. 500 is rather beyond the reach of an ordinary agriculturist. He suggested that Rs. 100 should be reasonable. I feel even Rs. 100 from his point of view is rather too much for an agriculturist to invest. He thinks a ten-rupee share would be quite sufficient for a shareholder. I fear a Bank like a Reserve Bank should have some status and should not lower the value of its shares. Today the Imperial Bank share is sold at Rs. 1,200. In the Bill the value of the share is mentioned as only Rs. 500. I do not think we should disagree with the share value of Rs. 500. Coming to the agency business it has been said that the Imperial Bank should not be the agents of the Reserve Bank. At least for the transitory stage I do not think a better Bank than the Imperial Bank could be employed to do the agency work. It may be in the power of the Reserve Bank to employ any other Bank to do the agency work later on. Having in view the experience we cannot brush aside the Imperial Bank. My friend Mr. Henderson said that there is a difference of opinion as to the location of the headquarters of the Reserve Bank. It has been said that it should not be the monopoly of Bombay. I should think that the headquarters of the new Reserve Bank might be shifted from place to place. For some time it could be at Bombay, then at Calcutta, and then at Madras. In order that people may not say that Bombay is unduly favoured the headquarters might be shifted to the headquarters of the various Provincial Governments.

I am sure the Reserve Bank will be a great success from this point of view. It will help industries and it will help agriculturists. The Bill has rightly provided that the Directorate should be free from political influence. Therefore no political parties could be formed in the Reserve Bank. That disqualification I find has been clearly laid down in the Bill of 1928 and when a member of the Legislature becomes a member of the Directorate he *ipso facto* ceases to be a Member of the Legislature.

Criticism has also been levelled in respect of nominations. Nobody could say anything about the nominations made under the Imperial Bank of India Act. We have men like Sir Dinshaw Wacha, like our revered President, Sir Rajendranath Mukerjee and Raja Sir Annamalai Chettiyar of Madras. Nobody could say anything about their business capacity. Sir George Schuster in his winding up of the debate said that India should be proud to have men like our revered President in the Chair and Sir Rajendranath Mukerjee and Sir Dinshaw Wacha in the Directorate of the Reserve Bank. I have nothing more to add except to say that the Reserve Bank question should be carefully gone into by the Joint Select Committee, that no partisan view should be taken and the business settled having in mind the best interests of India.

Sir, I have great pleasure in supporting the motion.

THE HONOURABLE MAHARAJA JAGADISH NATH RAY OF DINAJPUR (Bengal: Nominated Non-Official): Sir, coming as I do with some experience of local bodies and a Provincial Council only, I rise with a good deal of hesitation, for the first time today, to give expression to the view-point of agriculturists in my province, on a matter of high finance. Sir, I confess that the action of the Assembly in recommending the Bill to be committed to a Joint Committee of both Houses has made it a somewhat easy job for me, particularly owing to the fact that I can with a full conscience take my place in the sheltering shadows of the great Finance Secretary. But I hope he will pardon me if I venture to pass some remarks, by the way, which may not be quite favourable to the general principles enunciated in the Bill, or the particular steps suggested in furtherance of its object. Sir, the agriculturists in my part of the country have very little idea about the workings of a Bank or even its utility. They have, for some time now, been in touch only with Cooperative Credit Societies and the loan transactions made by them. What direct or indirect effect has the world confidence in the management of Indian credit and currency on Indian trade balance, and what influence does the same bear on the marketing of agricultural produce are too high for the consideration of an agriculturist, or even an ordinary landholder who depends absolutely on what his agriculturist tenants can bring him as rent. Whatever may be the political motive behind the idea of establishing a Reserve Bank, our anxiety for the ushering in of better days impels us to welcome it as a God-send. I may make it plain here that in supporting the motion today I am more concerned about monetary stability in the present-day India than what the financial credit of a future Federation of India might imply. Sir, what however seems to be a little incongruous to me is that when the freedom from political influence is advocated as a *raison d'être* of the proposed institution, the embodiment of the greatest political influence in India should have such a supreme hand in the controlling of the Bank. But I may state that, despite my adverse criticism on account of the picture of the Federal Assembly as it looms before our eyes now, I would rather prefer that the Governor General should be the controlling authority of the Reserve Bank than that it should be a toy in the hands of the political babes, or a thing to be tossed about by winds and waves. However much we may mince matters, it is quite apparent that to vest the final word in the Governor-General is to make the Bank a weather-cock under the tremendous political influence of the Imperial Parliament. Common sense dictates that such a Bank should have been either a State Bank or a Shareholders' Bank "free from political influence" in the truest sense of the expression. I am, however, led to think that a suitable provision should be made in the Bill enabling the Government to buy out the shareholders at the end of a stated period at a fixed price, if a State Bank is not a practical proposition in the present state of the country's administration. As for the argument that it would be dangerous to make the Reserve Bank subject to the Federal Assembly, I can only say to the Government benches that it would have been much wiser to give the proposed Assembly and, for the matter of that, the Federal Legislature, a better shape so as to qualify it to be better entrusted with the well-being of the nation, than to leave it as a body, that is not "a trusted part of Indian public life". To give the start to our Bank where Britain herself would seem to end might naturally cause some suspicion in Indian

[Maharaja Jagadish Nath Ray of Dinajpur.]

minds. I am moreover afraid that the limitations imposed on the selection of Directors would work as a bar to the securing of men of first class ability and experience or of recognised integrity and honesty. While I can well see the reasonableness of the suggestion that the Directorate should include representatives of leading commercial bodies with a knowledge of financial matters, I fully support the stipulation that Directors of other Banks should not be on the Directorate of this Bank ; but I should like that one Director be appointed for each of the five areas to represent agricultural interests.

Then, regarding the Select Committee to be appointed from both Houses it is indispensably necessary that some Members representing agricultural interests should be on it ; and, for this purpose, the gentlemen who were on the London Committee can be safely excluded as the Select Committee here shall have their considered opinion and wise counsel embodied in their report. The Government should do well further to disarm all criticism and dispel a part of the suspicion by limiting the possession of shares in the Bank by non-nationals to a reasonable percentage. Again, the arrangement whereby the Bank of England is made the agent in England could very well be altered. There should also be some provision by which the abuse of the proxy system, as disclosed in the meetings of the Imperial Bank, could be made impossible. Care must also be taken that no provision of the Bill may place the indigenous banks at any disadvantage.

Sir, I repeat that I have not the least intention to pose myself as an expert on finance, and as such I am very chary in putting forward  
 3 P.M. any suggestion as to the ratio, exchange and gold and silver problems. India requires urgently the raising of the price

level, and if the ratio question has any bearing on it, we should be prepared to face the facts, regardless of what the Government might have done in the past. But as there seems to be some difference of opinion as to the advisability of any interference in that respect at once, it is safer for a layman like myself to trust the assurances of the Honourable the Member for Finance and his able lieutenant here. But I may point out to them with all humility that the position has considerably changed since the moment when sterling and gold commenced to mean two different things. In spite of the eloquent speech of the Honourable Mr. Taylor the other day, on the prudence of letting "distress gold" fly away as quickly as possible, this fortuitous export will, according to our provincial minds, react as a great setback to the future credit of the country. Sir, while the Government of the United States of America are seen to inflate currency towards the raising of prices, it is very difficult for us to remain content with considerable deflation, which, thanks to the present ratio, the Indian currency admittedly resulted in, and particularly when the lowering of the ratio is recommended by many big men in India as a measure calculated to give the much-needed relief to the cultivator.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I think that this House may recognise without self-congratulation that the judicial tone and impartiality of the speeches made this morning afford Government ample justification for the course which they have recommended the other House to adopt, and which that House has adopted, of having a Joint Committee so that the

inevitable rapidity with which this important piece of legislation must be considered will not be incompatible with the fullest and most impartial consideration from all sides. In particular, Sir, I would like to congratulate the Honourable Maharaja of Dinajpur on what I think is his maiden speech and I would also like to congratulate the agriculturists on having found a stalwart champion of their interests. Sir, I can assure this House that the interests of the agriculturist will not be lost sight of in the course of the forthcoming legislation. In various places throughout the Bill you will find that particular provision is made for cooperative societies and for particular facilities for agricultural credit. In addition, Sir, I might point out that the main departure from the old Imperial Bank system is the greater degree of provincialization. I am afraid that we cannot go quite so far as the Honourable Mr. Hossain Imam suggested and have separate Boards for Bihar and possibly for Orissa also. If Orissa happens to be separated—

THE HONOURABLE SIR DAVID DEVADOSS : Sind possibly also.

THE HONOURABLE MR. J. B. TAYLOR—and also possibly for Sind but I think that it will be recognised that in the Bill we have made a considerable step in advance in securing representation for what may be called the mofussil or upcountry interests.

I do not wish in the short time available to deal with all the points raised in this long and interesting discussion. Many of them, as the Members themselves recognise, can be suitably dealt with at the Joint Committee stage. There is, however, one question which was left for consideration by the Joint Committee on which I would like to say something and that is, I would like to put in a small word of protest on behalf of the Imperial Bank. I, Sir, have been a Governor of the Imperial Bank off and on for more than six years and from that inside knowledge I can testify how unfounded many of the charges made against it are. I am afraid that the Imperial Bank in some respects has had to assume the unfortunate position of a whipping boy. In olden days when a king was crowned at a very early age, the authorities who realised that he had to have a certain amount of discipline appointed a small boy in poor circumstances to be brought up with him. It was high treason to whip the king if he did anything wrong, so they whipped the small boy instead in the hope that the king's tender heart would be affected by the cries of the small boy. Sir, the Imperial Bank of India is to a certain extent in the position of that small boy. The credit policy of the last ten years may not have seemed justified. Personally I think that it was justified and that the present strong position of India is due to our policy of the last ten years but undoubtedly it was our policy ; the credit policy was laid down by the Government of India and the Imperial Bank had to follow it. I know myself, Sir, and—if it is not abusing the privilege of the House—I would say that you know, too, that there have been occasions when not only the elected Governors of the Imperial Bank but the nominated Governors also when they felt that Government's action was too stringent and stern have protested to Government. Therefore, Sir, I think it quite unfair to blame the Imperial Bank in this matter and not to lay the blame, if it is blame (which I deny) on the proper shoulders, that is, on those of the Governor.

Now, Sir, I would turn to the two main points which have emerged from this morning's discussion. The first is that of the ratio and the second is that

[Mr. J. B. Taylor.]

of a State and Shareholders' Bank. In the first place, Sir, I should like to make it quite clear that the proposed Reserve Bank legislation does not contemplate that the Reserve Bank when it comes into being will be able to do what it likes with the ratio. The Honourable Mr. Mehrotra said that all Central Banks have this power. I do not know where he derived this information. Central Banks are bound to operate within the lines laid down for them by legislation and those lines universally preclude any interference with the currency basis of the country. We can lay down by legislation either a fixed ratio in gold or a fixed ratio in sterling and it will then be the business of the Reserve Bank to maintain it. No Central Bank in the world is allowed to alter the exchange value of its currency with other countries. That is a duty which is reserved, which must be reserved, for the executive Government of the country. It is a matter of such overwhelming importance to all the interests concerned. For that reason, Sir, Government do not consider that the ratio issue arises with regard to this Joint Committee at all and that, we are glad to see, is also the line of policy laid down for us by the Committee which examined the proposals in London which are the basis of the present Bill.

I said in my introductory speech that, if we were actuated by financial considerations alone, we would have been very doubtful whether to introduce a Bill at this stage but that financial conditions being reasonably favourable and the constitutional factors being overwhelming we decided that there was only one course open to us and that was to go forward. But that does not mean that everything is to be revised. It would be lunacy to consider any revision of the ratio at the present time and it would be even greater lunacy to entrust the consideration of that question to a Joint Committee which must debate more or less in the open. I must say, Sir, that I was impressed by the Honourable Mr. Henderson's remarks on this point. He criticised, and I think with considerable justification in view of what has happened, the past procedure by way of Commissions. But, Sir, in the past India had no alternative. The management of the currency was in the hands of the Executive and the only outside authority whom we could call upon to offer us advice was a Commission in spite of the disadvantage that its examination must be done in the open. In the future we will have an independent, and we hope an expert, body appointed by an independent authority in India which will be able to tender us advice if and when they consider that occasion arises. But that advice will be secret. It will not be conveyed from the top of a platform to the advantage of the speculator. For that reason, Sir, I must make it abundantly clear that the ratio question does not and cannot arise in connection with the present discussions.

I would now turn, Sir, to the question of a State or Shareholders' Bank. I would like to clear one preliminary issue out of the way. The present legislation is not proposed to be permanent. The Bill which we have put forward provides for the possibility of reconsideration by fresh legislation after 25 years and whether that reconsideration should take the form of buying out the shares at a fixed price or of liquidating the Bank is, I submit, a question which might be left to the Legislature to consider at the time when it arises.

The fundamental proposition at present is to secure reasonable stability in the difficult early years of the new constitution, and such stability will be impossible if there is any underlying fear on the part of the shareholders that their contract may be terminated at comparatively short notice. For that reason, I submit that we need not consider too closely at present the date of termination. What we do want to have is a reasonably long period, and that period should be left to the Joint Committee to examine in the light of the paramount consideration of ensuring stability until the new constitution is in real working order.

I now turn, Sir, to the real question which lies at the root of this Bill, and that is, whether the new Bank should be a State Bank or a Shareholders' Bank. There has been a considerable confusion of thought here, because, after all, it must be a question of degree. It is impossible to have a Bank which is entirely a State Bank. There are obvious objections to that. It is equally impossible to hand over the enormous interests of Government, particularly of the Government in India, to a body entirely and finally responsible to shareholders. There must be some compromise. The compromise in this Bill weights the scales very definitely in favour of the shareholder. The shareholders are to appoint eight Directors, Government are to nominate four, and there will be a Managing Governor appointed by the Governor General after consideration of the recommendations of the Board. This makes five against eight. That is a very definite weighting of the scales in favour of the shareholders.

There was one other point that was raised, and that was whether by voting for the present Resolution this House would be committing itself definitely to the proposition of a Shareholders' Bank. On that, Sir, I feel that I can do no better than repeat the words of the Honourable the Finance Member in another place. He said :

"I wish to leave Honourable Members in no sort of misunderstanding as to our position. On the one hand, we do not wish to put a pistol at the heads of Honourable Members opposite and say to them that after three days' debate they must regard themselves as committed to the principle of a Shareholders' Bank, or otherwise to vote against the Bill or to refuse to serve on the Committee which may be elected. On the other hand, I wish to leave them under no sort of misapprehension. We have considered this matter very carefully. We have not had three days but many months and even years to consider it and we can see no other way of achieving that purpose which I have just described except through the method of a Shareholders' Bank."

That I think makes the position of Government in the matter clear.

Finally, Sir, the Honourable Mr. Hossain Imam at the conclusion of his speech said that even though other Central Banks were subject to a certain amount of Government control, the position was different in this country because the interests of Government and the interests of the country were divergent. Here I confess to an attitude almost of despair. If that is to be the attitude in which the new constitutional proposals are to be approached, I can see no way out. On the other hand, Sir, I would ask this House to let the past bury its past and to look at the proposals as they stand as a fair proposition by His Majesty's Government to make the transfer of financial responsibility a practical proposition subject to the inevitable qualifications which the circumstances of the present day demand.

Sir, I move.

THE HONOURABLE THE PRESIDENT : Motion made :

"That this Council do concur in the Resolution passed in the Legislative Assembly recommending that the Bill to constitute a Reserve Bank of India be committed to a Joint Committee of the Council of State and of the Legislative Assembly with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

The motion was adopted.

### MOTION *RE* JOINT COMMITTEE ON THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I move :

"That this Council do concur in the Resolution passed in the Legislative Assembly recommending that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be committed to a Joint Committee of the Council of State and of the Legislative Assembly with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

Sir, this Resolution deals with a Bill which follows necessarily on the Reserve Bank of India Bill which we have just discussed. At present the Imperial Bank of India is the Government banker, a function which it inherited from the Presidency Banks from which it has been developed. As a necessary consequence of these duties Government has exercised special powers of control over, first, the Presidency Banks and, later, the Imperial Bank. In the present Imperial Bank of India Act Government have the right to approve of the appointment of the Managing Governor, they have the right to call for any figures or information which they may desire from time to time; and they have also the right to appoint four nominated Governors and to depute an official to attend the meetings of the Board, though without the right to vote. If a Reserve Bank is created, it is obvious that Government's relationship will be primarily with that Bank and not with the Imperial, and that the work which the Imperial Bank will continue to do on behalf of Government as banker at those places where there is no branch of the Reserve Bank should be governed by an agreement not with Government but with the Reserve Bank. For this reason, power is given in the present Bill to the Imperial Bank to enter into an agreement with the Reserve Bank and those portions of the present Act which give the Government of India direct contact with the Imperial Bank are being removed, that is to say, those sections which enable Government to approve of the appointment of a Managing Governor and four nominated Governors. The only specific power which Government propose to retain is that enabling them to call for a direct investigation of the financial affairs of the Bank if they consider this necessary.

The opportunity has also been taken to amend the Act in various ways to facilitate its working in matters of detail. It was hurriedly drafted and passed in the rush immediately after the war when many important problems had to be considered and when the transformation of the Indian monetary and credit system as a result of the war made it imperative that the old Presidency system

should be replaced by something more modern, more comprehensive and efficient. The amendments intended to serve this minor, though important, purpose look somewhat formidable and it is probable, as indicated in the statement of objects and reasons that as a result of the further experience in the last six years one or two more amendments of a technical nature may also be suggested by the Bank to Government for consideration at the committee stage.

We naturally do not ask the House to commit itself to all these proposals at this stage. The point which I wish to make is that the questions at issue are so intimately connected with that of the Reserve Bank that it seems suitable that they should be considered together and by a Committee composed of the same persons as those who will be examining the Reserve Bank Bill.

Sir, I move.

THE HONOURABLE THE PRESIDENT : Motion made :

"That this Council do concur in the Resolution passed in the Legislative Assembly recommending the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be committed to a Joint Committee of the Council of State and of the Legislative Assembly with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

The motion was adopted.

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#### STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : With your permission, Sir, I suggest that on Monday, the 18th September, the requisite motions for the nomination of Members to serve on the two Joint Committees on the Reserve Bank of India Bill and the Imperial Bank of India (Amendment) Bill may be moved. On that day also I suggest that you might be pleased to direct the taking, with one day's curtailment of the normal period of notice, of the motions to consider and pass the Bills which have been laid on the table today.

On Monday, the 18th, I hope to be in a position to announce further dates on which the Council will be required to sit.

THE HONOURABLE THE PRESIDENT : I accept the suggestion made by the Leader of the House and I suspend the Rules and Standing Orders and all the three Bills which have been laid on the table today will be proceeded with on Monday next.

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The Council then adjourned till Eleven of the Clock on Monday, the 18th September, 1933.





## COUNCIL OF STATE.

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*Monday, 18th September, 1933.*

The Council met in the Council Chamber, at Viceregal Lodge, at Eleven of the Clock, the Honourable the President in the Chair.

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### MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following message has been received from the Secretary of the Legislative Assembly, namely :

“ I am directed to inform you that the Legislative Assembly has, at its meeting held on the 16th September, 1933, agreed without any amendments to the following Bills which were passed by the Council of State at its meeting held on the 5th September, 1933, namely :

A Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose ; and

A Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose.”

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### BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 16th September, 1933.

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### MOTION *RE* NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE TO CONSIDER AND REPORT ON THE RESERVE BANK OF INDIA BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I move :

“ That the following Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to constitute a Reserve Bank of India, namely :

The Honourable Mr. Bijay Kumar Basu,

The Honourable Raja Charanjit Singh,

The Honourable Nawab Malik Mohammad Hayat Khan Noon,

The Honourable Raja Sir Annamalai Chettiyar,

The Honourable Diwan Bahadur G. Narayanaswami Chetti,

The Honourable Saiyed Mohamed Padshah Sahib Bahadur,

The Honourable Sir Hormusji Mehta,

The Honourable Kumar Nripendra Narayan Sinha,

The Honourable Mr. Mahmood Suhrawardy,

The Honourable Mr. J. S. Henderson,

[Mr. J. B. Taylor.]

The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,  
The Honourable Rai Bahadur Lala Ram Saran Das,  
The Honourable Mr. Hossain Imam, and the mover."

The motion was adopted.

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**MOTION *RE* NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE TO CONSIDER AND REPORT ON THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.**

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary): Sir, I move :

"That the following Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely :

The Honourable Mr. Bijay Kumar Basu,  
The Honourable Raja Charanjit Singh,  
The Honourable Nawab Malik Mohammad Hayat Khan Noon,  
The Honourable Raja Sir Annamalai Chettiyar,  
The Honourable Diwan Bahadur G. Narayanaswami Chetti,  
The Honourable Saiyed Mohamed Padshah Sahib Bahadur,  
The Honourable Sir Hormusji Mehta,  
The Honourable Kumar Nripendra Narayan Sinha,  
The Honourable Mr. Mahmood Suhrawardy,  
The Honourable Mr. J. S. Henderson,  
The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,  
The Honourable Rai Bahadur Lala Ram Saran Das,  
The Honourable Mr. Hossain Imam, and the mover."

The motion was adopted.

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**MURSHIDABAD ESTATE ADMINISTRATION BILL.**

THE HONOURABLE MR. B. J. GLANCY (Political Secretary): Sir, I move :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as passed by the Legislative Assembly, be taken into consideration."

Sir, as the House will observe from the statement of objects and reasons, this Bill is merely intended to supplement the Murshidabad Act of 1891. That Act gave power to the Secretary of State to enter upon the properties of the Nawab and to administer them on his behalf if such a course became necessary. Unhappily the necessity has arisen because the Nawab has contracted extremely heavy liabilities and has reduced his properties to a most deplorable condition. It is therefore essential that a Manager should be appointed and

that the control of the Nawab should be restricted, so that the claims of the creditors may be met and that the Nawab and his family may be saved from ruin. The Secretary of State has already entered upon the properties of the Nawab, but unfortunately the Act of 1891 does not provide any satisfactory machinery for the Manager being able to control the estate and for the Nawab being prevented from contracting further liabilities. This Bill is therefore designed to remedy this deficiency. It is based very closely on the Chhota Nagpur Encumbered Estates Act, which has been in successful operation for the last 50 years. In the opinion of the Government this Bill provides the only satisfactory solution of the present situation both as regards the creditors and the Nawab. In the first place, as regards the creditors, it is estimated that the total liabilities of the Nawab including decrees passed against him amount to about Rs. 19 lakhs. The Bengal Government estimate that as soon as normal conditions are restored it should be possible to save from the estate not less than Rs. 3 lakhs a year in order to pay off the liabilities so that in a few years' time the estate should be completely free. The creditors need be under no apprehension that any unfair treatment will be accorded to them because the Bill provides for an appeal from the Manager to the Bengal Board of Revenue and also to the Bengal Government.

If this Bill does not become law all that will happen will be that the creditors will only be able to attach and secure certain movable properties personally acquired by the Nawab and it is very doubtful whether the total value of this will amount to more than about a one-twentieth part of the liabilities. Secondly, as regards the Nawab, he is the head of an ancient and highly respected family of Bengal and is held in very high esteem not only by Moslems but other communities as well and it would certainly be most deplorable if he were to suffer the indignity of confinement in a debtor's prison.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, it seems to me that we are living in an age of protection. Only the other day we passed the Cotton Textile Protection Bill, and a Bill to give Protection to Princes, and the 'Khadi' Protection Bill are on their way to this House. Now we are faced with the problem of protecting the Nawab of Murshidabad from his creditors. It is no doubt a laudable object to protect a scion of a noble family who has on account of his impecunious habits merely landed himself into ruin. But after all is said and done I want to know if the creditors of the Nawab Bahadur will also be protected. Some of his creditors have got decrees passed by competent courts against the Nawab Bahadur and the very fact of having a decree passed would, I presume, be a *prima facie* evidence of the debt. I understand the Government has given an assurance to this effect in another place and I hope that the assurance will be followed up in practice.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, in supporting this Bill I make the following observations. So far as the principle of this Bill is concerned, I have nothing to object, as it is the bounden duty of every Government to legislate for saving the old and respected ruling families like that of the Murshidabad Nawab. It will not be an exaggeration on my part if I say that families like that of the Nawab of Murshidabad are not only respected by the people of Bengal

[Mr. Jagadish Chandra Banerjee.]

but by the people of the whole of India. We Indians are of a conservative temperament by nature, and there is a sentiment of semi-sacredness attached to such families. The Honourable the Law Member the other day in the other House said that the power of revision of decrees passed by competent courts is not a new principle which has been embodied in this Bill, and so this principle is already an accepted one in the legislation existing in the land. It is a duty of the Government to protect the debtors like the Nawab of Murshidabad from harassment by his creditors, because he has got only a life estate on the property of the family. In such cases there is always a tendency both on the part of such debtors and the creditors to connive at heavy borrowings at exorbitant rates of interest. Sometimes there is a tendency on the part of the creditors to obtain handnotes of double the value of the sums actually advanced to such debtors, and the debtor in such cases knowing fully well that he has got a life estate on the property of the family, agrees to connive at such false transactions. He knows fully well that after his death the creditors will not be able to realise the sums borrowed on such handnotes. Sir, it was up to the creditors to be cautious and not to lend huge sums of money to such debtors from whom they knew very well that they will not be able to realise their decretal money on the death of the borrower, because such debts cannot be made a liability on the family property. In this connection I would like to request the Government not to show partiality in favour of old and respected ruling families of one community or of one province only. All over India there are hundreds of other families of Hindu and Muslim ruling princes of the same status as that of the Nawab of Murshidabad and it is but just and proper that steps like the present one should be taken to protect such families by means of parallel legislation wherever it is found necessary. Sir, unless Government assures this House on this point, I will not be surprised if there be strong criticism of Government's action in this behalf both in the Press and on the platform. It is not long ago but only the other day the Government of India sanctioned a large amount of money as an advance to the family of the late Sir Muhammad Shafi and as far as I remember very few Hindu families have been given such advantages like the one mentioned by me. I may assure my Muslim friends that these remarks have been made not with any idea of importing jealousy and friction between the two sister communities. Far from it, these remarks have been made to remind Government not to be partial and make distinctions between communities and communities and families and families so that Government's benevolent actions like these may not be misconstrued by the public. Lastly, Sir, I would like to bring it to the notice of Government that the steps now proposed should have been taken long before, as that would have saved our venerable Nawab Bahadur of Murshidabad from many an indignity at the hands of his creditors, which have at times mortally wounded the feelings and sentiments of the people of Bengal irrespective of caste or creed. I hope the House will pass the Bill without opposition and show to the world that in such cases Indians are never actuated by any feeling of communalism but are guided by noble sentiments.

With these words, Sir, I once more support the Bill with all the emphasis at my command.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa : Nominated Non-Official) : Sir, it is with mixed feeling of pain and pleasure that I rise to speak on this Bill. I am pained to think that necessity has arisen to bring this Bill before the Legislature. I am pained at the fact that the ancient House of Murshidabad, with which I can claim friendship for many generations, should be in danger of losing not only its power but also the dignity of the position and station it has been enjoying for so many centuries. Nevertheless I am delighted to see that the Government have come to the rescue of the premier nobleman of Bengal and his illustrious house and is going to protect the honour and dignity which is attached to the person of the Nawab Bahadur of Murshidabad Amirul Omrah, whom we all so much esteem and respect and the lineal heirs male successors to the title.

Allow me to observe, Sir, that it is a source of no small satisfaction and hope to me personally and to others who belong to the order of nobility to find that the Government are so solicitous for the preservation of our order and averting its ruin and extinction. Evil days may befall any of us at any time. Unfaithful fate is the devil's mistress. But to find for such contingencies a saviour in the Government is certainly a great solace. As one who has the honour to belong to an aristocratic house I welcome the attitude of the Government in the matter and give my wholehearted support to the Bill and trust that this Bill will be passed unanimously.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, the measure before the House is only a logical complement of the Murshidabad Act of 1891 which confirmed the earlier Indenture between the Secretary of State and the Nawab, making provision for the management of the estate in certain contingencies. As my friend Mr. Neogy said the other day in the Legislative Assembly, the present Nawab seems to have been more sinned against than sinning in his financial dealings. It is in the fitness of things, therefore, that the practice (now long established by usage in the country) of protecting the estates of ancient and respectable families be followed in this case also and a law be enacted to protect the Nawab Bahadur from personal indignity while at the same time safeguarding the interests of the creditors. The Honourable Mr. Glancy, who is a great acquisition to this House and who I know has always done his best in saving ancient families from ruin, explained in the Assembly the other day that the Murshidabad estate (with the exception of some small property personally acquired by the present Nawab) is not open to attachment or sale. The encumbrances on the estate, if allowed to accumulate further, will leave no source of maintenance for the Nawab, and the alternative of confinement in civil jail while by itself giving no relief to the creditors will inflict unnecessary indignity on the head of a distinguished and highly respected family. The principle underlying the Bill is the same as governs other enactments for the administration of Court of Wards and encumbered estates. Sir, this Council consists of many members of ancient families who have got a stake in the country and it is a matter of great gratification to us that Government is ready to come to the rescue of those who unfortunately fall into such financial trouble. The Bill itself has been thoroughly scrutinised by a strong and representative committee and I therefore support the motion.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEH-ROTRA** (United Provinces Central : Non-Muhammadan) : Sir, if I intervene at this stage in the debate it is to make certain inquiries from the Honourable mover who has not elucidated certain points while making the motion for consideration of the Bill. Sir, the Preamble says :

“Whereas the Murshidabad Act, 1891, \* \* \* provides that in case the said Nawab Bahadur or any of his lineal heirs male successors to the titles shall contravene any of the terms of the said Indenture or shall disable himself from duly maintaining the dignity of his position and station it shall be lawful for the Secretary of State for the time being to enter into and upon the immovable properties mentioned in the Indenture and to exercise certain powers therein specified in the manner therein set forth”.

I am glad that the Honourable mover has said that the necessity for bringing forward this Bill has arisen on account of the fact that the Nawab Bahadur has incurred a huge debt. He has also said that the decreed debt comes to about Rs. 19 lakhs. May I ask the Honourable mover whether there is any other debt besides this decreed debt of Rs. 19 lakhs ? That is the first point.

Then, Sir, he has not mentioned anything about the acts which the Nawab Bahadur has not done to maintain the dignity of his position and station. I hope he has maintained the dignity of his position.

Then, Sir, I would like to know from Government the total income from the estate and also whether the estate lies in Bengal alone or in other parts of India. While going through the Bill I find that the estate of the Nawab Bahadur is not limited to Bengal but lies all over India, since sub-section (2) of section 1 says that :

“It extends to the whole of British India, inclusive of British Baluchistan and the Sonthal Parganas”.

Therefore, Sir, I would like to know what are the provinces in which the immovable properties of the Nawab Bahadur are situated.

There is also some misgiving as to the appointment of the Manager. By the Bill I find that the Government of Bengal will appoint the Manager. May I enquire from Government whether the Nawab Bahadur will have any hand in the appointment ? I mean to say by this whether the Manager will be appointed after consultation with the Nawab.

Further, I find from the Bill that a monthly allowance of Rs. 19,166-10-8 will be payable from the Government Treasury at Berhampore. May I know, Sir, whether this monthly allowance of the Nawab Bahadur will be a fixed one or will it be subject to revision and adjustment, etc., and, if so, whether it will be in the power of the Manager to make these adjustments or the matter will be decided by the Government of Bengal or the Government of India ?

These are some pertinent points which I would like to enquire from the Government at this stage. As regards the merits of certain clauses, I will be moving amendments when they are put to the vote of the House.

**THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR** (Madras : Muhammadan) : Sir, I support the Bill. I am glad to find that every Honourable Member who has taken part in the debate on this occasion has given his whole-hearted support to this Bill. Since most of the salient

features of the Bill have been discussed by the Honourable Members who have preceded me, I do not think it is necessary for me to speak about them. But I should like to make one observation regarding one question just put by my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra. A number of questions have been put by him regarding various things, viz., various places in India where this estate is situated, the extent of the income of the estate and various other questions on matters which are in the particular knowledge of the Political Secretary. But the one question which I should like to answer is the one regarding the appointment of the Manager. My Honourable friend wanted to know if in the appointment of the Manager the Nawab Bahadur of Murshidabad will have any voice. I should like to tell him that however much he may be anxious for this appointment to be agreeable to the Nawab Bahadur, it is patent that the Nawab Bahadur will not be very competent to give any advice on this matter, for the way in which the estate has been managed goes to show how the Nawab Bahadur is not able to come to any judgment about the way in which the estate should be managed. It was because the Nawab Sahib was being guided by his friends that he finds himself in this critical position. It is because unfortunately the Nawab Bahadur has been a little too simple that he has got into the clutches of the moneylenders. Again, there is another thing to be taken into consideration. The Nawab Bahadur would be able to express an opinion about the fitness or otherwise of the Manager only if the person to be appointed has had relations with him. If the Nawab Sahib has had no previous relations with him he will not be able to express any useful opinion about this matter.

Now, Sir, an appeal has been made by one Honourable speaker about the necessity of taking similar measures in case of other ancient families who have also got into the clutches of moneylenders. Sir, I endorse every word of what was said in this respect. I feel also that the Government would be perfectly justified in coming to the rescue of lots of other families in India who may also find themselves in the same predicament. But this distinction has to be made, that not only should the family be ancient and respectable, but there should be circumstances which justify the taking of the kind of drastic action that has been taken in this case. For in this respect we see that the decrees of the court are liable to be re-opened. I feel that it is perfectly justifiable that these decrees should be re-opened in this instance because of the peculiar circumstances of the case and because here we find that the Nawab only holds a life tenure, that the security on which the money has been advanced to him has been of a very precarious nature and that on this account the moneylender who might have advanced to the Nawab a few thousands would have insisted on the credit notes being executed for lakhs of rupees. That is not an ordinary transaction; it is something in the nature of a speculation. Here the moneylender has got to take the risk of having the whole of his claim turned down in a court of law. It is just like advancing money to a profligate widow without being satisfied of the legal necessity of the loan. Therefore, Sir, this is a peculiar case where help is really necessary. If there are cases which are of the same nature I feel that the Government will be justified in coming to the rescue of those harassed people also.

**THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI**  
(Madras : Non-Muhammadan) : Sir, I have great pleasure in supporting the



[Diwan Bahadur G. Narayanaswami Chetti.]

motion though I do not come from Bengal. I feel that an ancient and respectable family like that of the Nawab Bahadur must have the help of Government to save him from the clutches of judgment creditors. Sir, my friend Mr. Banerjee has said that Government ought to extend a helping hand not only to families like that of the Nawab Bahadur but also to other Hindu families. Coming from Madras, I am able to inform him that the Madras Government has helped many Hindu families and therefore I do not like a distinction like that made by my friend Mr. Banerjee. Sir, I have great pleasure in supporting the motion, and I am sure the Government will give a helping hand to families of all communities and my experience is that they are willing to give such help to all.

**THE HONOURABLE MR. B. J. GLANCY :** One or two points were mentioned by the Honourable Mr. Mehrotra on which perhaps it would be as well if I gave the information now. The sum of Rs. 19 lakhs that I mentioned is not exclusively made up of the decretal amount but represents an estimate of the total liabilities included in the decrees which have been passed. The estimate of the income is that in a good year it will amount to about Rs. 7½ lakhs. The estate is situated not only in Bengal but also partly in Bihar and Orissa. As regards the appointment of the Manager, the Nawab naturally cannot be given the final voice, but care will naturally be taken to see that no officer repugnant to the Nawab will be appointed.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I never said he should have a final voice but asked whether would be consulted or not.

**THE HONOURABLE MR. B. J. GLANCY :** I may mention that the officer who is at present filling the post of Manager is a very distinguished Indian officer of the Indian Civil Service lately stationed in Bengal, and the Nawab has every reason to congratulate himself on the appointment. As regards the monthly allowance of Rs. 19,000 and odd, the intention is that it should be reduced to such a figure as will provide the due requirements of the Nawab. In fact it is likely to be very considerably reduced.

**THE HONOURABLE THE PRESIDENT :** The question is :

“That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as passed by the Legislative Assembly, be taken into consideration”.

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

**THE HONOURABLE THE PRESIDENT :** The question is :

“That clause 10 stand part of the Bill”.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I have to move an amendment.

**THE HONOURABLE THE PRESIDENT :** The Honourable Member has sent me notices of three amendments with regard to clauses 10, 12 and 2. These notices were sent up to me after question time and I am afraid the Chair cannot encourage this practice. It would not be fair to the Government

Member as well as to Honourable Members of the House that they should be called upon to discuss important amendments at a few minutes' notice. The proposed amendment to clause 10 refers to the provisions made in clauses 8 and 9 of the Bill and seeks to add a second proviso that in the case of minor claimants the claims will be governed by the Limitation Act without any bar under sections 8 and 9. The Honourable Member is perhaps not aware that all minors are protected under all laws and there is no necessity whatever to make a special provision protecting them in this case, apart from the other ground on which I am not prepared to admit this amendment.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, the Bill was laid on the table day before yesterday and the Council sat till 3-30 P. M. The Notice Office remains open from 11 A. M. till 3 P. M. only. Then yesterday was a Sunday and the Notice Office was closed. There was thus no opportunity for me to send formal notice to the Notice Office and consequently I had to give notice of these amendments when I came here at ten minutes to eleven this morning. As, Sir, you have suspended the Standing Order No. 37 and the time for giving notice was not limited, I thought that I could give notice of amendments at the time when the clauses were taken up as there was no course left to me but this.

Then, Sir, as regards the merit of the amendment, I do not think that minors will be protected by the other Act under the existing provisions of sections 8 and 9 of this Act. This is a very simple amendment and I am sure the Government would also like to protect their interest because they are not expected to find out from the Gazette whether they are barred or not under the notification mentioned in section 10. Therefore the object of my amendment was only this, that in the case of minors—

**THE HONOURABLE THE PRESIDENT :** Order, order. The Honourable Member should not go into the details of the amendment. I have heard the Honourable Member's point regarding the ground on which he wants this amendment to be made. It is true that the statutory period was suspended by the Chair under Standing Order 37, but the Honourable Member had 48 hours ; at any rate this amendment ought to have been presented before the Council met this morning and a copy ought to have been sent immediately also to the Government Member in charge. I am further not at all convinced that such an amendment is at all necessary. I have carefully read and re-read clauses 8 and 9 and I do not think that any Manager would allow the interests of the minors being jeopardised if they are late in putting in applications submitting their claims. For these reasons I disallow the amendment.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I have got an amendment to clause 12.

**THE HONOURABLE THE PRESIDENT :** What is the ground for the Honourable Member's amendment ? Will he show cause why I should permit him to move it ?

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I want the words beginning with "and any such order" in the end of the clause be deleted.

**THE HONOURABLE THE PRESIDENT :** That is not the Honourable Member's amendment. His amendment is this :

"That in clause 12 of the Bill substitute 'full stop' for 'semi-colon' in line 12 and delete the rest".

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** The result is the same. My object in putting forward this amendment is this, that the Manager should not have all the powers of a civil court. He may have executive powers, but he should not have the powers which a civil court possesses. That is my object.

**THE HONOURABLE THE PRESIDENT :** The Honourable Member has raised a very important issue whether the civil court should have jurisdiction or the executive authorities should have jurisdiction. I am not prepared at this late stage to allow the Honourable Member to move any amendment of such an important nature.

Clause 12 was added to the Bill.

Clauses 13 to 21 were added to the Bill.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I have to move my amendment to clause 22.

**THE HONOURABLE THE PRESIDENT :** The Honourable Member again wishes to substitute revenue authorities for civil authorities and without notice to Government and non-official Members, I am not prepared to allow the amendment.

Clause 22 was added to the Bill.

Clauses 23 to 28 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. B. J. GLANCY :** Sir, I move :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as passed by the Legislative Assembly, be passed."

The motion was adopted.

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### INDIAN TEA CONTROL BILL.

**THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) :** Sir, I move :

"That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, as passed by the Legislative Assembly, be taken into consideration".

The Bill now under consideration, Sir, seeks to give statutory effect to a scheme to restore the equilibrium of supply and demand in the world's tea

markets. Within the past two or three years the price of tea has slumped heavily and the world markets have become heavily overstocked. Many tea estates have been faced with ruin and it will be obvious to Honourable Members as it was to the Government that it is the smaller and more recent estates that would be the first to go to the wall. This state of affairs was not unique to India. Ceylon and the Netherlands East Indies were faced with the same problem. It is to the credit of the industry that it tackled the problem for itself. Representatives of the tea producers in the three countries concerned got together and evolved a scheme for the restriction of exports and of extensions of areas under tea for a period of five years. This scheme was put to the producers in each of the countries and in each of the countries it received overwhelming support. In these circumstances the Government of India decided, as the Governments of Ceylon and of the Netherlands East Indies had already done, to give legislative effect to the agreement arrived at by the industry.

The main features of the scheme are as follows. For a period of five years the annual exports of tea from each of the three countries will be restricted to a percentage of their maximum annual export in any one of the three years 1929, 1930 and 1931. The percentage for any particular year will be fixed by a representative international committee sitting in London which will, in so doing, have regard to the prevailing market conditions. For the present year the percentage fixed has been 85 per cent. of the maximum export for the basic period. In the case of India this amounts to about 320 million tons and this export allotment will be divided up amongst Indian producers by a licensing committee constituted under this Bill and in a manner that will be prescribed by the Government of India. It would be futile, however, to confine the scheme to restriction of exports only. Failure to control extensions of the area under tea would have meant that, at the end of the five years period of control, there would have been in existence a vast accumulation of stocks ready to be poured on the world's market. The crash might have been postponed but when it did come it would have been even more disastrous. It was therefore agreed that during the period of control no extension of the area under tea should be permitted except in cases where the very existence of a tea estate was in danger and even in such cases the total amount of extension throughout the period was to be confined to one-half per cent. of the area existing on the 31st March, 1933.

The Bill, Sir, has been drafted in a very simple form which explains itself. The first chapter deals with the machinery that has been devised for working the scheme. The second chapter deals with the control of exports, the grant of licences and the allocation of quotas while the third refers to restrictions on extension of areas. It is, I think, unnecessary to discuss the Bill clause by clause but I would commend to Honourable Members the first chapter. The Committee on whom, subject to the general control of the Governor General in Council, will devolve the very important duties of allocating quotas, issuing licences and regulating extensions is one which we claim is thoroughly representative of the tea-growing interests in India. It is a great merit of this scheme that it has been devised by the industry itself, for the benefit of the industry itself and that it will for the most part be worked by the industry itself. It will be noticed that in chapter 2 the method of allocating quotas to

[Mr. T. A. Stewart.]

individual estates has not been defined. The omission is deliberate. Though it is generally recognised that the most equitable method of allocating quotas is to base them on the productive capacity of the individual estate as measured by its maximum production over a basic period, it has nevertheless been discovered that certain exceptional cases and anomalies may occur. It has therefore been considered preferable to provide for greater elasticity in the regulations for the grant of quotas by defining these regulations by rule rather than by including them in the Bill itself. This measure, Sir, has received overwhelming support from the Indian tea-growing industry. It has received support from those Local Governments and Indian States that are most interested in the tea-growing industry. That part of the scheme which refers to the control of exports has been in operation through a notification under the Sea Customs Act since the month of June and we are assured that the scheme has been working most satisfactorily. Such criticisms as have been offered in the Press and in another place have been criticisms of detail and not of principle. The assurance has been given—and I repeat it here—that powers have been retained and will be exercised, if necessary, to adjust any manifest inequities that may arise and to safeguard the interests of the smaller estates. I commend this Bill for acceptance by the House.

Sir, I move.

THE HONOURABLE MR. J. S. HENDERSON (Bengal Chamber of Commerce) : Sir, the scope and purpose of this Bill have, I think, been explained in so lucid and comprehensive a manner that to speak on this aspect of the motion would be wasting the time of this House.

The necessity for such a Bill and for its passage without delay are matters on which there is general agreement. I shall therefore leave these main issues and refer briefly to a few other points which have been raised in the course of the discussions on this measure.

In the first place, much stress has been laid on the necessity for protecting the interests of small estates that have come into existence since 1925. There is no reason to fear that the licencing committee will disregard the principles of equity and justice. If the basic rules of the existing domestic agreement are regarded as inequitable by the owners of small young estates, they are not free from blame in the matter as they failed to state their case when the referendum was made and many of them actually signified their assent to the agreement. I mention this in order to correct any misapprehension that may exist in the mind of any Honourable Member of this House as to the attitude of the industry as a whole to the small owner. I am certain that the assurance given by the Government of India on the floor of the Assembly—that the powers reserved in sections 7 and 23 of this Bill will, if necessary, be used to redress legitimate grievances—will have the entire sympathy and support of the tea industry.

Secondly, it must be remembered that a licencing committee of identical composition with the one which will be constituted by this Bill has actually been functioning since the 26th May ; and, I am informed, has given universal

satisfaction. It may therefore be accepted that the scheme outlined in this Bill is no tentative experimental idea but a sound practical proposition.

It has been urged in the course of the discussions that the restrictions imposed by this measure cannot be regarded as a complete solution of the tea industry's difficulties, and that there are two other directions in which supplementary action is essential, namely, (1) in the matter of restriction of tea production, and (2) in the matter of improved propaganda to increase consumption of Indian tea in India and elsewhere.

As regards restriction of crop I am in a position to give definite information to the House to the effect that the requisite 93 per cent. of agreement in the industry has now been obtained and a scheme of crop restriction will be inaugurated forthwith.

As regards propaganda I am informed on the best authority that this matter has been engaging the active interest of the Indian Tea Association both in London and in Calcutta and that arrangements have been made whereby the activities of the Tea Cess Committee in India will henceforth be expanded and intensified.

Having discussed this Bill with members of the tea industry I desire to offer my congratulations to the Government of India and to its draftsmen on the businesslike and practical piece of legislation which they have provided in this measure.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians) : Sir, I have much pleasure in supporting this Bill. The tea industry has been suffering a good deal during the last few years. Quite recently I had the pleasure of visiting a tea estate myself in Travancore and I was taken round by the manager and he told me that "there were 27 European officers some years ago whereas now there are only seven". A number of bungalows were vacant, which shows that the tea industry has been very hard hit.

This measure, I am sure, Sir, will give relief to the tea industry. My only observation on this Bill is this, that the rules should be so framed as not to discourage the small Indian-owned and Anglo-Indian-owned tea estates. There is a fear in some quarters that the small estates may go to the wall. But I am glad that the Honourable Member has given an assurance that the smaller estates will not suffer.

There are one or two things in the Bill about which I should like to speak. There is a section which requires returns to be made. Sir, it is a well-known fact and I am ashamed to confess it—that some of the Indian-owned tea estates do not keep correct accounts. For instance, clause 20—if accounts are called for and are not produced in time, there is a penalty attaching to it. I hope the rules would provide for relief in such cases. Where it is a *bona fide* inability or a *bona fide* mistake, the rules ought to give some relief.

With these few remarks, I have much pleasure in supporting this Bill.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, this Bill has evidently been brought forward at the suggestion of the tea planters. They have in their own interest desired

[Khan Bahadur Chaudri Muhammad Din.]

that the international agreement on the subject be enforced. It does not go against the interest of the consumers or the general public. We should therefore readily give to the tea planters the facilities they ask for.

Sir, with these remarks, I support the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, there is very little I have to add to what I have already said, but I would repeat the assurance given before, that the interests of the small estates will be safeguarded. As regards the particular reference which the Honourable Sir David Devadoss made to clause 20, that clause is not meant to refer to growers giving *bona fide* returns. When it is suspected that a false return has been made, this clause is intended to enable the Committee to obtain evidence by which they may check the returns of the tea estates.

THE HONOURABLE SIR DAVID DEVADOSS: If I may make a personal explanation? False return is dealt with in a subsequent section. This is to only failure to return. In section 31 a penalty is provided for a false return. Section 20 deals with

“Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, etc.”

THE HONOURABLE MR. T. A. STEWART: I would still make the same observation. This clause provides a penalty for a man who in bad faith refuses to produce evidence by which the Committee may check his returns.

THE HONOURABLE SIR DAVID DEVADOSS: Wilful omission.

THE HONOURABLE THE PRESIDENT: The question is:

“That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 25 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move:

“That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

## INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I move:

“That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment), as passed by the Legislative Assembly, be taken into consideration.”

This, Sir, is a Bill of a highly technical character. I shall not therefore try the patience of Honourable Members by taking them through it clause by

clause. It will perhaps suffice if I explain the origin of, and reasons for, the Bill and give a general description of its provisions.

One of the main objects of a Merchant Shipping Act is to provide by regulations for the safety of those who go down to the sea in ships, whether they be seamen or whether they be passengers. Each maritime country has its own shipping law, but until a few years ago, the standards of safety prescribed varied from country to country and, as a consequence, there was to no great extent any general recognition by one country of the regulations framed by another. It was inevitable, therefore, that there should have been delay and inconvenience to ships of one country visiting the ports of another where different standards of regulation prevailed, and it is not astonishing that the maritime nations of the world should have directed their energies towards the formulation of a common agreed standard of regulation which might be the subject of universal recognition and acceptance.

Two Conferences were held at which practically every important maritime nation, including India, was represented. Two Conventions were drawn up and signed—one in 1929, entitled the International Convention for the Safety of Life at Sea and one in 1930, entitled the International Convention, respecting Load Lines. These Conventions prescribe certain uniform standards for safety regulations and it is the object of the present Bill to incorporate these standards into the Indian Merchant Shipping Act of 1923, so that ships registered in India, so far as safety regulations are concerned, may go without let or hindrance into all ports on an equality with the other merchant navies of the world.

Both Conventions to which I have referred deal with the safety of life at sea. The first Convention concerns itself with such subjects as the construction and maintenance of ships, the equipment of ships with life-saving apparatus, with wireless apparatus and with a proper complement of wireless operators, rules for safe navigation, uniformity of distress signals, and the like. The essential connection of these subjects with the safety of human life at sea is obvious. The Load Line Convention, however, is somewhat more technical. It embodies the results of scientific investigations as to the safe limits to which ships of various types may be loaded in various circumstances and provides that these limits should be indicated by lines marked in prescribed situations on the sides of ships. These lines are termed load lines and their object is to make it immediately apparent that the ship is not over-loaded. It will be realised that an over-loaded ship, while it may safely voyage in calm waters is at the mercy of the sea in foul weather. Over-loading may also cause instability of the ship with a resultant danger of the ship capsizing.

The opportunity has been taken of making a few desirable amendments in the Act, such as the removal of the invidious phrase "native passenger" and a change of phraseology so that the Act may cover motor ships as well as steam ships. Honourable Members, however, will see that, with a few exceptions, the provisions of this Bill deal with the subject-matter of the Conventions to which I have referred.

These provisions represent the results of the joint deliberations of experts representing the more important maritime nations, and may I think be regarded as reasonable requirements to ensure safety of life at sea. They



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have been generally accepted by the commercial bodies who were consulted on the subject and have also been the subject of examination by a Select Committee of the other House. It is I submit in the interests of India's mercantile marine that these Conventions should be ratified and incorporated in our mercantile marine law, and I accordingly commend the Bill for acceptance.

The motion was adopted.

Clauses 2 to 34 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

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#### STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, the Council will not sit tomorrow, which is a holiday. In addition to the Bill which has been laid on the table today, it is expected that another Bill might be received from the other Chamber by Wednesday. I therefore suggest that the motion for consideration and passing of the Bill which has been laid on the table today be taken up on Wednesday, the requirement under the Standing Orders in respect of the period of notice being dispensed with. With a view to ensure the possibility of laying on the table of this Council the other Bill on Wednesday, the 20th, I further suggest, Sir, that the meeting on that day may be held at 4 P.M. instead of 11 A.M.

THE HONOURABLE THE PRESIDENT: I am in agreement with the suggestions made by the Leader of the House, and as regards the Dangerous Drugs Bill I will suspend the operation of Standing Order 37 and the Bill will be taken up on Wednesday next. I also agree with the suggestion that the Council should meet in the afternoon and not in the morning so that in the event of the other Bill being passed in the other House it may be laid on the table here.

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The Council then adjourned till Four of the Clock on Wednesday, the 20th September, 1933.

## COUNCIL OF STATE.

*Wednesday, 20th September, 1933.*

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The Council met in the Council Chamber at Viceregal Lodge at Four of the Clock, the Honourable the President in the Chair.

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### QUESTIONS AND ANSWERS.

#### GRANT OF A JUNIOR GRADE COMMISSION TO MR. RAZA ALI KHAN.

208. THE HONOURABLE SARDAR BUTA SINGH (on behalf of the Honourable Mr. Satyendra Chandra Ghosh Maulik): (a) With reference to the answer to my question No. 135 of 6th March, 1933, will Government be pleased to state if one Raza Ali Khan, a United Provinces man, has been granted a junior grade of commission in the 11/19th Hyderabad Regiment, Indian Territorial Force, Bengal Wing?

(b) Is it a fact that there is not a single United Provinces man in the ranks of the above unit?

(c) Is it a fact that senior non-commissioned officers of the unit have been superseded by giving the junior grade commission to Raza Ali Khan?

(For reply see under No. 209.)

#### DELAY IN PROMOTION OF OFFICERS IN THE SECOND (CALCUTTA) BATTALION, UNIVERSITY TRAINING CORPS.

209. THE HONOURABLE SARDAR BUTA SINGH (on behalf of the Honourable Mr. Satyendra Chandra Ghosh Maulik): With reference to the answer to my question No. 185 (2) on 28th March, 1933, will Government be pleased to state if the promotions of Mr. P. M. Lahiri and Mr. P. C. Neogi, two officers of the 2nd (Calcutta) Battalion, University Training Corps, were delayed? If so, the reason therefor?

THE HONOURABLE MR. M. G. HALLETT: With your permission, Sir, I propose to answer questions Nos. 203 and 209 together.

Inquiries are being made, and I will communicate the result to the Honourable Member in due course.

#### APPOINTMENT OF REGISTRAR, CALCUTTA HIGH COURT.

210. THE HONOURABLE SARDAR BUTA SINGH (on behalf of the Honourable Mr. Satyendra Chandra Ghosh Maulik): Will Government be pleased to state whether any Indian member of the Indian Civil Service has ever been appointed as Registrar of the Calcutta High Court? If not, why?

THE HONOURABLE MR. M. G. HALLETT: The answer to the first clause is in the negative. The Registrar is selected by the Honourable the Chief Justice

who has no doubt invariably chosen the officer whom he considered most suitable.

#### ACCIDENTS ON THE EAST INDIAN RAILWAY.

211. THE HONOURABLE SARDAR BUTA SINGH (on behalf of the Honourable Mr. Satyendra Chandra Ghosh Maulik) : (a) Will Government be pleased to state the number of accidents that have happened on the East Indian Railway during the last year ?

(b) Whether the East Indian Railway had to pay any compensation in any of these cases of accidents ?

THE HONOURABLE MR. M. W. BRAYSHAY : The information has been called for from the Agent, East Indian Railway, and will be communicated to the Honourable Member when received.

#### WHEAT PRICES.

212. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (1) (a) Is it a fact that wheat prices have suddenly fallen by more than a rupee per maund on account of large imports of American wheat ?

(b) If it is so, what action does Government contemplate to give protection to one of the chief agricultural products of India ?

(2) (a) Is Government aware that any further fall in prices of wheat will tend to aggravate the present agricultural crisis and may lead to undesirable consequences ?

(b) Will Government be pleased to make all possible efforts to stabilise the present wheat prices and at any rate to prevent prices going down any further ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (1) (a) No. The price of wheat f. o. r. Lyallpur on the 7th September was Rs. 2-7-6 per maund. The price for the corresponding week in August was Rs. 2-13-6 and for the corresponding week in May Rs. 2-14-0. The total quantity of foreign wheat imported into India from the end of June to the 9th September was only 21 tons.

(b) Does not arise.

(2) (a) The present trend of the price of wheat does not indicate any grounds for anxiety. The harvest time prices for wheat in 1933 were substantially higher than those for the two preceding years and all three harvests were good. The actual figures for price of wheat f. o. r. Lyallpur are as follows :

			1931.	1932.	1933.
			Rs. a. p.	Rs. a. p.	Rs. a. p.
1st week in April	..	..	1 14 0	2 1 0	3 3 6
1st week in May	..	..	1 11 0	1 15 6	2 14 0
1st week in June	..	..	1 9 6	2 3 6	2 13 0

(b) As the Honourable Member is doubtless aware, foreign wheat is required to pay an import duty of Rs. 2 per cwt. The protection afforded by the imposition of this duty has proved effective and Indian wheat prices are far above world parity.

## SHORT NOTICE QUESTION AND ANSWER.

### REPORT OF THE JOINT SELECT COMMITTEE.

THE HONOURABLE THE PRESIDENT : There is a short notice question by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra. I understand that the Honourable Member of Government in charge has no objection and the Chair will permit the question to be put.

213. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (1) Has the attention of Government been drawn to a Reuter's telegram, dated 11th September, 1933, stating that "the Joint Select Committee's Report will not be ready till 1934"?

(2) (a) Will Government be pleased to state if it is correct?

(b) If answer to part (a) is in the affirmative how long will the Reforms be delayed and when is it now expected that the new constitution both Provincial and Central will be inaugurated?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (1) Yes.

(2) (a) The Joint Select Committee has made no statement as to the date by which its report may be expected. It follows that anticipations in the press and elsewhere are in the nature of speculation only.

(b) Does not arise.

### STATEMENTS LAID ON THE TABLE.

THE HONOURABLE MR. M. W. BRAYSHAY : Sir, I beg to lay on the table the information promised in reply to question No. 3 asked by the Honourable Rai Bahadur Lala Ram Saran Das on the 16th February, 1933, regarding the earnings from surcharge on coal and the quantity of coal carried.

#### SURCHARGE ON FREIGHT LEVIED ON STEAM COAL AND HARD COKE.

The total tonnage of public coal, subject to the 15 per cent. surcharge, carried during the month from 1st February, 1932 to 31st January 1933 and the total earnings derived therefrom on the Bengal Nagpur, East Indian and Great Indian Peninsula Railways are as follows :

<i>Railways.</i>	<i>Tons.</i>	<i>Earnings.</i>
		<i>Rs.</i>
Bengal Nagpur Railway .. ..	1,982,866	59,47,021
East Indian Railway .. ..	5,787,016	2,74,29,620
Great Indian Peninsula Railway .. ..	*1,398,155	52,07,202
Total .. ..	9,168,037	3,85,83,843

\*Represents total public coal traffic including that subject to surcharge.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I lay on the table the information promised in reply to question No. 171 asked by the Honourable Mr. Jagadish Chandra Banerjee on the 11th September, 1933, and question No. 174 asked by the Honourable Mr. Jagadish Chandra Banerjee on the 11th September, 1933.

### ASSISTANT COMMISSIONERS OF INCOME-TAX, BENGAL.

(a) A statement is laid on the table.

(b) The Government do not intend to make such a rule.

(c) The present Assistant Commissioners, Calcutta and Headquarters, have for a short time held charge of a preponderatingly Marwari district of Calcutta.

*Statement showing the period for which the present Assistant Commissioners of Income-tax, Bengal, served as Income-tax Officers in charge of general districts.*

Names.	Period of service as Income-tax Officer of general districts.		
1. Khan Bahadur A. Rahman .. ..	..	..	About four months.
2. Rai Bahadur S. N. Banerjee .. ..	..	..	About four months.
3. Mr. N. N. Chakravarty .. ..	..	..	One year and nine months.
4. Mr. W. A. Phillippe .. ..	..	..	About nine years.

### INCOME-TAX OFFICERS, ETC., IN THE INCOME-TAX DEPARTMENT, BENGAL.

(a) and (b). Two statements are laid on the table. Details regarding inferior staff are not readily available and cannot be given without undue labour.

(c) Ministerial officers for the offices of the Commissioner and Assistant Commissioners are selected from suitable personnel in subordinate offices: while the communal proportions are observed with regard to the departmental establishment as a whole.

(a) *Statement showing the number of Income-tax Officers, etc., in the Income-tax Department, Bengal, and the number of Hindus, Muhammadans and Christians on 1st April, 1922, 1st April, 1931 and 1st April, 1933.*

	1st April, 1922.			1st April, 1931.			1st April, 1933.		
	Hindus.	Muhammadans.	Christians.	Hindus.	Muhammadans.	Christians.	Hindus.	Muhammadans.	Christians.
Income-tax Officers ..	5	..	3	25	8	2	24	8	2
Additional Income-tax Officers.	Not in existence then.			15	8	1	13	8	1
Examiners of Accounts ..		Do.		17	11	5	18	11	4
Assessors .. ..	3	2	2	11	5	1	11	5	1
Ministerial Officers ..	68	20	1	245	138	2	240	142	2

(b) *Statement showing the number of Muhammadan ministerial officers in the offices of the Commissioner and Assistant Commissioners of Income-tax, Bengal, range by range.*

Commissioner's Office	..	..	..	..	1
Assistant Commissioner, Headquarter's Office	..	..	..	..	2
Assistant Commissioner, Calcutta's Office	..	..	..	..	...
Assistant Commissioner, Dacca's Office	..	..	..	..	2
Assistant Commissioner, Rajshahi's Office	..	..	..	..	1

## BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to constitute a Medical Council in India, which was passed by the Legislative Assembly at its meeting held on the 20th September, 1933.

### DANGEROUS DRUGS (AMENDMENT) BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I move :

"That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, as passed by the Legislative Assembly, be taken into consideration".

Twelve months ago, Sir, this House ratified a Convention passed at Geneva for the further regulation of dangerous drugs. In the speech which I made on that occasion, I pointed out the object of that Convention, which was to tighten up the control over various dangerous narcotics such as the derivatives of opium and cocaine. The first part of the present Bill is designed to give effect to this ratification. The Dangerous Drugs Act, in clause 2(g), empowers the Government to regulate by notification in "pursuance of a finding under Article 8 of the Geneva Convention" and we ask that in future such regulation should also be in pursuance of any International Convention supplementing the Geneva Convention. Any such International Convention will of course be brought before both Houses of the Legislature before ratification before any legislative action is taken in accordance with it.

The second part of the Bill deals with a lacuna in the Dangerous Drugs Act of 1930. As this House is aware, the administration of dangerous drugs is in the hands of Local Governments, but the legislation is central in order that we may more easily comply with International Conventions on the subject. Clause 3 of the Bill is designed to give Local Governments power to regulate the quantity of prepared opium which individuals may possess, a provision which through inadvertence was overlooked at the time when the Dangerous Drugs Act of 1930 was being passed. I do not think, Sir, that there will be any criticism in this House of these two clauses. As regards the first, it has already been ratified and as regards the second, the defect was pointed out to us at the time, but we did not consider it of sufficient importance to require legislation until we could include it with some other amendment.

Sir, I move.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I move :

"That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, as passed by the Legislative Assembly, be passed."

The motion was adopted.

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#### STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, the only business which remains for the House is the motion for the consideration and passing of the Bill which has been laid on the table today. Honourable Members are, I believe, anxious to leave Simla as early as possible, subject of course to the overriding necessity of the business before the House. Therefore, I believe, Sir, I am voicing their feeling in requesting your permission that the requirement under the Standing Orders in respect of the period of notice may be dispensed with and this Bill be taken up tomorrow. That will enable them to leave Simla tomorrow afternoon.

THE HONOURABLE THE PRESIDENT : Many Honourable Members have expressed their desire to leave Simla as early as possible on account of the forthcoming important Hindu holidays and I therefore entirely approve of the suggestion made by the Honourable the Leader of the House and I propose to take up this Bill tomorrow morning at 11 o'clock and I will suspend the operation of Standing Order 37 in order to enable the Council to proceed with it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, may I know what will be the time for handing in amendments ? There are only 20 hours left between now and the beginning of the meeting tomorrow so I would request you, Sir, to allow us to move amendments when the clauses are taken up.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : If there are any amendments that the Honourable Members wish to move if they will be good enough to let me have them before 11 o'clock tomorrow, I shall be very glad indeed to meet them and to have them discussed.

THE HONOURABLE THE PRESIDENT : Though this Bill has been laid on the table just now, Honourable Members have had it and the report of the Select Committee about eight days ago and they are in full possession of this Bill. Moreover, I understand that no alteration has been made by the other House in this Bill which was presented with the report of the Select Committee. However, I will permit amendments to be forwarded to the Honourable Member in charge and to the President before 10 o'clock tomorrow morning.

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The Council then adjourned till Eleven of the Clock on Thursday, the 21st September, 1933.

## COUNCIL OF STATE.

*Thursday, 21st September, 1933.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

### INDIAN MEDICAL COUNCIL BILL.

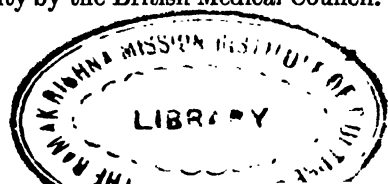
THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :  
(Education, Health and Lands Member) : Sir, I move :

“ That the Bill to constitute a Medical Council in India, as passed by the Legislative Assembly, be taken into consideration.”

This Bill, Sir, has a history behind it. This Bill was discussed at considerable length in the other place some months ago and at times evoked very severe criticism, but happily, towards the end of its career, secured unanimous support in the other place. Therefore, this House, I presume, would expect me to take them through the various stages of the Bill's career, no doubt briefly, to show what were the difficulties, how they were overcome, and how the Bill stands now. Honourable Members will remember that before the Government of India Act, 1919, the degrees conferred by the British Indian Universities were recognised by the British Medical Council and peace and concord prevailed and no difficulty was felt. When the Government of India Act, 1919, was passed, it was possibly felt by the British Medical Council that the standard of instruction which obtained in Indian colleges and in the examination conducted by Indian Universities might deteriorate, and therefore they possibly felt that inspection of these medical colleges and their examinations might be found to be necessary for continuing the recognition of the degrees conferred by them. Some people do not like to be told, “ You are running a risk of deteriorating ”. When they are told, “ We want to make sure that you are not deteriorating ”, they feel offended, and in this case because there had been a change in the administration of colleges from what you might call the Service administration to non-Service administration, the very idea of subjecting these colleges to inspection was resented. I may go so far as to say, keenly resented. Some Universities and some Governments—in this case Ministers in charge of Medical—did not mind it very much ; others did mind it. After one or two years' experience it was found that the Inspectors were not on the whole bad or unsatisfactory, and that in many cases they were helpful. Honourable Members will remember that episode about Calcutta refusing to have anything to do with the Inspection Committee, followed by non-recognition of their degrees by the British Medical Council, the interregnum, and their revising their position and agreeing to be inspected by the Inspecting Committee and re-recognition of their University by the British Medical Council.

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[Khan Bahadur Mian Sir Fazl-i-Husain.]

This sort of thing continued right up till 1926 or 1927. Then further trouble arose. The question was, should this inspection become an annual feature or should we devise a permanent inspecting machinery, or should a Medical Council be established to undertake this work, the Medical Council corresponding to the British Medical Council in Britain? A good many negotiations were going on. The period was not a very pleasant or happy one and eventually we came to a sort of critical stage in 1930 when the negotiations between the Government of India and the British Medical Council snapped, the recognition of Indian medical degrees was suspended in February, 1930, and we had to consider what to do, if anything at all was necessary to be done. In the meantime, some sort of Bill was prepared in 1928, and naturally, Medical Education being a provincial transferred subject, provinces were not willing to have a Bill of the sort that was prepared then, and when they were not agreeable, the Government of India could do very little in the matter. So, the stage was reached in which it was difficult to find what line to take. Obviously, the first thing to do in 1930 was to have discussions with Local Governments, to overcome their opposition, and then devise some method of not only obtaining recognition for Indian degrees but also of making sure that our own standard of instruction in India was maintained at a fairly high level. In 1931 the Government of India succeeded in overcoming the opposition of Local Governments and having overcome that opposition, they had to face the opposition of the independent medical profession in India with whom the politically-minded India was also associated. Having secured the cooperation of the provinces, we proceeded to prepare a Bill with the sole object in view of ensuring the efficiency of medical colleges and clinical hospitals attached to them. We had no other object in view except that, feeling that the securing of that object could not fail to achieve the other object in view, recognition abroad. So a Bill was drafted more or less on the lines as actually introduced in the budget session at Delhi in the other House. It evoked a very great deal of opposition and hostility and we had a bad time of it for three or four days during the debate at the stage of reference to Select Committee. The major part of the opposition came from the licentiates, who felt that they were being ignored, insulted, ungratefully treated, and their resentment against this measure was therefore very acute. We naturally took a note of that and studied the whole situation. We felt in our own minds that we desired to do none of these things. On the other hand, Government entertained feelings of appreciation and even of admiration for that class of medical practitioners called licentiates, because they were the people who attended to those in need of medical relief in the countryside and attended to by far the largest section of the people who needed attention. We also felt that inasmuch as we intended no harm to them nor disrespect to them, ways must be found of assuring them that such is not our intention and ways must also be found to see that the measure to which they object is cleared of all such provisions as directly or indirectly give that impression. The measure was confined to the inspection of medical institutions which impart higher medical education. A Medical Register was an important feature of the Bill and the licentiates desired to get into that Register somehow or other, while we felt that as it was a Register of those who had obtained higher medical

qualifications we could not very well put them in, whether along with medical graduates or side by side with medical graduates, stating that they were in the same category as medical graduates. It was in these circumstances that the measure was referred to a Select Committee. Some months passed. We were removed from the heat of Delhi, which makes people I presume more excitable than they are when they are in this salubrious and cold climate of Simla. So we made up our minds to meet in Select Committee in Simla, and I still believe that the climate of Simla had a great deal to do with bringing out an agreed report. How did that agreed report come about? Well, as we had secured the cooperation of the provinces so we proceeded to secure the cooperation of the independent medical profession. What did they want? They wanted two things. Firstly, the trouble about licentiates to be composed, and, secondly, to make sure that the independent medical profession has a representation on the Indian Medical Council. As regards the first, the independent medical profession realised that when this Bill is limited in its scope to the higher medical education it is obvious that the matter of school medical education cannot come in; while we on our side realised that if the bone of contention, the Register, is thrown away, well then matters will be composed and all those things to which the licentiates and the medical profession attach importance, the sentiment of being brethren in the profession and so on will be left undisturbed. We agree to do away with the Register, firstly, to satisfy the independent medical profession, and, secondly, it was not necessary that the Registers that existed in the provinces be, under this Bill, consolidated into one All-India Register. They are already there, so why have them duplicated at the Centre; or to put it differently, we could always have copies of Provincial Registers at the Headquarters as well, why have a separate independent Register which was proving such a bone of contention. So we compromised and did away with it. The next point of acute controversy was with reference to the constitution of the Indian Medical Council. The independent medical profession assisted by the politically-minded non-official Members urged, why do you inflict a nominated President on the Council? We compromised; we said, No, we will not inflict a nominated President on the Council for good; we will have him only for the first four years to put the thing in working order. So that was satisfactorily settled. The next point was they wanted the Medical Faculty not to have a representation limited to its members and wanted a wider electorate. Well, we felt that what was wanted was representation of the Medical Faculty, and as long as the condition of eligibility was that the candidate must be a member of the Faculty and not only a member but a member with teaching or examining experience, it did not matter very much whether the electorate was limited to the Faculty or to the Senate or Court of the University. So the compromise arrived at was that eligibility was limited to members of the Faculty with teaching or examining experience and the electorate was extended from members of the Faculty to membership of the Senate or Court. The third point was that we had in the Bill laid down that election of provincial medical men be conducted by the indirect method, in this way. In each province medical men elect their representatives to the Provincial Medical Council and as we wanted their representation it struck us as the most natural thing to do to give these Provincial Medical Councils the right to elect their representatives to the Indian Medical Council.

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The independent medical profession felt that in this way only the men who were tested twice over would get into the Medical Council. Their conception of medical *swaraj* or democracy was that there should be direct representation of the independent medical profession. Frankly I did not think they were right and I do not think even now that they were right, but they had the support of the British Medical Council Act and that was a matter which I did consider very vital. The way the problem presented itself to me was this. Medical education in India can be analysed as consisting of three component parts. There is the capitalist, the Local Government, paying for this venture. They ought to be represented, because it is they who pay for the service ; then come in the universities, medical faculties, teachers and professors, who are the producers of medical graduates. They ought to come in as producers. The third thing was should the product also come in or not, the medical graduates themselves ; and I felt that if the producer was represented and the man who pays the producer was represented, no harm would be done if the stuff that is produced is also directly represented. Anyhow, if that stuff does any harm to the institution, the blame to some extent will lie with the producer himself for having produced such a product. Thus, these differences were composed and we arrived at an agreed constitution of the Indian Medical Council. Having done that, what was left was only the question of reciprocity. There had never been any dispute as to the principle of reciprocity. It was acceptable to Government ; it was acceptable to the profession ; and it was insisted upon by the Local Governments. Certain doubts were entertained whether the provisions of the Bill as introduced made the position as clear as it ought to be, and the changes made in the Bill were solely with the object of making absolutely clear what was already in the Bill as introduced. What do the provisions as to reciprocity amount to ? The first provision is so far as Indian degrees are concerned. In Schedule I Honourable Members will find all those institutions which confer degrees there, excepting the three new Universities of Patna, Rangoon and Andhra ; but Honourable Members will find that sub-clause (f) of clause 11 says that as soon as the Medical Council is established it shall inspect these institutions and at once report as to their being brought on to Schedule I. This was a grievance of these three provinces and it was met in this way.

As regards reciprocity abroad, it was felt that the degrees conferred in the United Kingdom are recognised here today ; they were recognised in 1930. We were pressed hard to hold that they should cease as soon as the Bill was in force and in future the provisions of the Bill should decide whether they should be recognised or not, and we felt that this was going too far inasmuch as the mere passing of the Bill, the mere enforcement of the Act does not give you any time to arrange any scheme of reciprocity, does not give you time to have a thorough inspection of your own institutions, to secure reports from competent inspectors as to how your educational institutions stand. Are they all they ought to be ? Can you establish by reports of competent inspectors that the standard of instruction imparted therein is of a high order ? You must have time to do all these things. You must have time also to have a look round so far as these Universities are concerned, or some of the other universities, British, dominion and foreign, to see what sort of minimum standard

of medical education prevails therein. There was a little bargaining as to the number of years required, but eventually good sense prevailed in the salubrious climate of Simla and we thought four years was a very good period. So in this way that trouble was also met ; and the result is an agreed Bill which has emerged out of a most contentious measure the Assembly has had to deal with outside what are called purely political measures.

I hope, Sir, that I have made clear what the trouble originally was, the various stages of its development, and eventually the peaceful settlement. The whole period of the present reforms from 1920 onwards up till now has been a period of struggle and strife. Let us hope that a period of peace and mutual goodwill will be established before the present reforms give way to the new era.

With these observations, Sir, I commend the Bill to the House. Sir, I move.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, may I be permitted to tender my congratulations to the Honourable mover of this Bill, who with his infinite patience, his great tact and his well-known wonderful powers of persuasion, has been able to bring about a satisfactory solution of this Bill. The two previous Bills gave rise to considerable agitation in the medical world. The Select Committee, to which I also offer my grateful thanks, having eliminated all reference to registration, has cut the Gordian knot, and it is to be hoped, has permanently laid it at rest. As the Honourable the mover has placed before this House all the facts bearing upon this question and the negotiations that took place before the introduction of the present Bill, it is not necessary for me to go over the same ground. I, however, desire to place before this House the non-official aspects from which these various Bills were considered by the independent medical profession. There is in Great Britain a body known as the General Council of Medical Education and Registration constituted by the Acts of Parliament in 1858 and 1886. It is composed of representatives of all the universities and corporations empowered to grant degrees and diplomas, with five nominees of the Crown including one layman.

Its functions are : (1) to lay down courses of medical study and standards of qualifications *sufficient for practice in this country*—I would emphasise these words and would invite the attention of the Honourable Members to the fact that "*this country*" means the United Kingdom only ; (2) to maintain a register of all those who have secured the necessary qualifications ; and (3) to inquire into the unprofessional conduct of practitioners upon its register. It will thus be seen that the writ of the Council does not run beyond the borders of the country. Nor has it any *locus standi* in India or any other dominions and colonies, as has been repeatedly acknowledged by those who have spoken on behalf of the Council. The Council, notwithstanding its limitations has, however, imposed upon Indian graduates, who desire to settle in practice in Great Britain, the order that they should get themselves placed upon its register ; they have loyally obeyed. Secondly, it has also ruled that all those who visit the country for higher study or acquiring qualifications should also get themselves registered though they may have no intention of practising there. That also has been literally carried

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out. Well, Sir, none can deny the inherent right of any country to frame rules and regulations for the protection and safeguards of its nationals who may be placed for medical treatment under foreigners. I am not prepared to deny such right to Great Britain and India as well. Sir, the question here arises that there are barely 200—300 Indian graduates who have thus settled in practice in England when compared to 30,000 European practitioners. The majority of Indians have acquired British qualifications also. Thus there can be no hardship inflicted upon the people of Great Britain.

Sir, soon after the Montagu-Chelmsford Reforms came into operation, there issued a report from the Council that training in midwifery in India was defective and thereby jeopardised the lives of the women who subjected themselves to the ministrations of Indian medical men, whether in panel or private practice. Thereupon the India Office sent out a representative of the Council to inquire into this allegation. That body was apparently not aware or overlooked the fact that enormous difficulties existed with regard to giving a full course of training in midwifery because of the *purdah* system, because of the deeply rooted reluctance and prejudice of Indian women to subject themselves to treatment by male and even female doctors as also to resort to our hospitals during confinement. Sir Norman Walker, one of the members of the Educational Committee of the Council—now its President—and a specialist in skin diseases (!), came out to India. After inspecting several institutions, he made certain suggestions that were adopted by those concerned so far as local conditions and circumstances permitted. That, Sir, was the first fatal and unwarranted step against our medical education. It should have been strongly resented from India. It was then incumbent upon the Government of India to inform the Secretary of State that it was no concern of theirs, and that if the Council chose to find the graduates defective in midwifery, it was for that body to regulate and to enforce further training in England before placing them on the register. India had no direct interest in the matter having regard to the peculiar social conditions prevailing here. The medical and other advisers of Government failed however to realise the consequences of the Council's intervention, and did not exercise the requisite prescience. This instruction of the Council was thus not dictated in the interests of Indian women, but of a few, very few in Great Britain! This incident thus became a prelude to further interference on the part of the Council.

The second step was that the India Office was subsequently led to believe by the Council that Indian university standards of education and examinations had greatly deteriorated. This, Sir, was indeed a grave and unmerited slur upon the fitness of our teachers, mostly Indian Medical Service officers and a few honorary Indians with the highest British qualifications, who had been appointed on account of the serious depletion during the Great War and subsequent retrenchment. I would add that our colleges are still being staffed by over 36 Indian Medical Service officers and not by inefficient non-Indian Medical Service Indian officers. It was then averred that they were young men. I presume, Sir, that Sir Norman Walker had himself once been young! One might well ask whether this fresh interference of the Council was inspired by purely altruistic and humanitarian motives in order to prevent the poor

Indian from being sent to an early grave through the incompetence of the Indian doctor? Once again, therefore, the University examinations and colleges were inspected, first by Colonel Needham and subsequently by Sir Norman Walker. Owing to the opening in Bombay of the Nowrosjee Wadia Maternity Hospital, through the generosity of the Wadia brothers great changes had been effected. Midwifery training could not have been better than it was. Sir Norman Walker declared that it was the finest institution of the kind. Their suggestions were most loyally adopted where required, but that too did not placate the Council. Thereupon it announced that the recognition of our qualifications would thenceforth be annual and subject to the annual reports of Colonel Needham. This was apparently the most insidious and well calculated move to entirely control and dominate medical education in India. And yet the Government did not raise any objection that the prerogatives of Indian universities established by statutes were being trenched upon by the Council! It was subsequently suggested to Government by the Council that if a Medical Council Bill were passed, it would obviate such annual inspections. And Government meekly surrendered! The Bill of 1927 was then framed and circulated widely for opinion. It had to be withdrawn, however, as it did not meet with the approval of the Provincial Governments. Colonel Needham continued his visitations and all our universities, functioning under special Indian statutes and in no way subservient to the Council, had thus to accept its orders in the interests of our graduates. Only the Calcutta University rebelled for some time, but it too had eventually to come into line with the sister universities for the same reasons.

Then came the third onslaught on the part of the Council. Colonel Needham having proceeded to England, it was arranged that Government should nominate some of its officers to inspect the examinations. Thereupon Sir John Megaw, Sir Frank Connor, Major-General Sprawson and Colonel Dutton were nominated. They reported that the standards were sufficient for recognition in some universities, while suggesting improvements in others. That too failed to meet with the approval of the Council! It said that these distinguished officers of high rank who had themselves been teachers of long experience were part-time officers only and therefore they should be replaced by a full-time Commissioner. Sir, I would put it to the Honourable Members whether there could be a more flimsy, a more absurd or a more puerile pretext, emanating as it did from such a responsible body as the Medical Council whose sole object appeared to be to dominate our medical education and even set aside the powers of the Indian Government!

This, Sir, was followed by the fourth incident, namely, the recommendation to appoint Colonel Needham to the post of full-time Commissioner. The other House having vetoed the grant, the climax was reached, the axe held in suspension fell. The Council held up its trump card and withdrew recognition of the qualifications of all our universities, whether good, bad or indifferent, at the end of February, 1930. It has been said elsewhere that the then Secretary of State for India did not approve of this precipitate action on the part of the General Medical Council. It was a regular Hitlerite procedure! The Bill of 1932 was then introduced and referred to the Select Committee, passed by the Assembly yesterday and is now before this House. Such indeed is the pitiful

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and humiliating story attached to this question! I refrain from saying more, lest I may be led to express myself in more vehement language. Would the Honourable Members be surprised to learn that in spite of its arrogance the General Medical Council is not master in its own house? Midwifery training in England even at the present day is not what it should be and 20 cases of confinement by a student cannot be enforced in some institutions under its control. And yet in India that was ordered to be effective. Under the above circumstances the examining bodies concerned are asked to conform to the standard; if not, the Council has the power to discontinue recognition, but then there is an appeal to the Privy Council. The Honourable mover, I believe referred to Canada and New Zealand and the differences they had with the General Medical Council. In the case of New Zealand at least, the explanation given by the Medical Council for recognition was very ludicrous. It said that it had confidence in the teachers who were from their own Register and known to them. But that confidence could not be placed upon the distinguished Indian Medical Service officers who were also on their own Register and besides were experienced teachers! A most absurd pretext to get over its defeat! The question naturally arises, for what purpose was all the travail and trouble initiated by the Council? Sir, was it because less than one per cent. of our graduates were affected thereby, as the Honourable the mover has said on more occasions than one? Was it not to establish its domination on medical education in a country where it had no *locus standi* and on the alleged plea of the protection of its nationals from a few inefficient Indian doctors! What consequential or ulterior motives if any, lay behind the scenes, it is for the Honourable Members to judge. I believe I have thus fully exposed the tactics of the Council in order to achieve its purpose.

Sir, I support the Bill, not because it is capable of any material advantage to our graduates, but in order to remove the injustice and hardship they have been subjected to during the last three and a half years. All those who have graduated since the withdrawal of the recognition in 1930 have been debarred from acquiring higher qualifications in Great Britain. They have been shut out from post-graduate studies, and they have had no opportunities in the Indian Medical Service, commissions, temporary or permanent. Many have resorted to Berlin, Vienna and even America, as I anticipated three years ago, but their qualifications are useless for public service in India. Should our men be further harassed in this way, the time is not far distant when the Government will have to recognise foreign diplomas for its services. I, however, express the hope that on the Bill becoming an Act, the Council will see its way to recognise for registration, as a matter of pure justice, those University qualifications that it has not recognised from February, 1930. It would be a tardy act of justice, though it cannot redeem the humiliation it has inflicted upon India and broadcasted all over the civilized world.

As regards the Bill enabling reciprocity with other countries, I entertain scant hopes. Every foreign country has its bars, quota and language difficulties and Indian doctors are not likely to migrate or to take the next boat to England to flood the profession there.

Another incident that occurred was that soon after the withdrawal of recognition, the Conjoint Board of the Royal Colleges of Physicians and Surgeons

of London wrote to us that the decision of the General Medical Council did not affect in any way the concessions that had hitherto been given to Indian graduates. We were indeed very grateful. The gratitude was, however, short-lived as after a few months, we were told that they had withdrawn those concessions also. Thus, the Honourable Members will see how much we have to thank the General Medical Council for all these tender mercies to our Indian graduates !

Further, Sir, may I once again reiterate that the Council according to its own statement, has no *locus standi* in Indian Medical Education. I once again admit the right of the Council to protect its nationals, but I cannot recognise the right that, because of the plausible pretext that a handful of our men practise in Great Britain, it should take under its control the whole Medical Education of India. Would the Council dare to interfere under identical circumstances with France, Germany, Italy or Austria ? I should like to ask how many cases have occurred where Indians have been found to be defective and prosecuted for malapraxis in British Courts ? While the Council suffers gladly the presence of medical fools and faddists of sorts, quacks, charlatans and even abortionists so long as they keep beyond the reach of the law, it holds Indian doctors with almost seven years' training as medical pariahs ! The Council is not justified also in exacting registration for those who resort to higher studies.

As regards discriminatory legislation against British doctors the fear expressed is baseless. I would ask Honourable Members to refer to my speech at the last session on the White Paper, where I said that there was no discriminatory legislation in this Bill. On the other hand, Indians have had to suffer unlawful discrimination for over three years at the hand of the Council. I believe, Sir, that the present Bill establishes real reciprocity as the word reciprocity is ordinarily connoted. Reciprocity is not abject surrender or subservience as the Council wants. It is based upon equity and equal rights and privileges to both parties. What the Indians want is not favour, but fair play, and a fair and square deal between the British and the Indian. Indians most positively decline to approach the Council on bended knees and with the beggar's bowl to ask its favours.

Sir, we have, I am afraid, not heard the last of this measure. It has greatly perturbed the medical world all throughout its career as it is the fifth of its kind, and we are not any forwarder ! In the event of its being vetoed as feared, the labour that has been expended upon it will be simply wasted.

Now, Sir, I should like to utter a personal note in regard to this Bill. For over 40 years I have laboured for the interests and honour of the medical profession in India in various capacities. I have no personal axe to grind, and if I spoke today, it was dictated solely by the interests and honour of the medical profession in India that I have at heart. (Applause.) Let me conclude by quoting what the Honourable the mover said yesterday in the other House, *that efficiency at home and honour abroad* are the two points upon which the Bill has been framed.

I thank you, Sir, once again for the great interest you have taken in the matter, and I do hope that all the labour you have devoted for over four years may end in successful fruition. (Applause.)



**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central : Non-Muhammadan) : Sir, I rise to join my friend in congratulating the Honourable the Leader of the House in successfully piloting this Bill. The Bill, as the Honourable the Leader has just said, when it was introduced in the Delhi session, evoked enormous criticism on account of some obnoxious clauses which it contained. Later on there was a compromise in the Select Committee, on account of which they have been greatly removed and the Bill has become very satisfactory. The Honourable the Leader has just said that the climate of Simla had done a lot in arriving at this compromise. But I would submit, Sir, that it was not the climate of Simla but it was the spirit of give and take on account of which the compromise was arrived at and the report of the Select Committee was unanimous. I hope my Honourable friend, Mr. Taylor, will also show the same spirit in the case of the Reserve Bank Bill which we are going to discuss shortly. (Laughter.)

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE** : That is not in Simla, but in Delhi.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** : The Honourable the Leader of the House has given us the history of the origin of this Bill from the Government point of view. I think that so far as the origin of this Bill is concerned, there are two versions, and both of them are to a certain extent correct. Sir, the first version—the non-official version—is that the Bill has originated as a result of the dictation of the General Medical Council, Great Britain, which withdrew recognition from British Indian medical qualifications in February, 1930. The second version is, as the Honourable the Leader of the House has said, that Government was gradually moving towards the right direction over this Bill. Sir, I certainly admit that the Government was moving, and it was as far back as 1910 that the idea of an All-India Medical Council Bill was first put up by the late Sir Pardey Lukis. In 1919, the Government of India discussed the matter with Local Governments, but the question was perhaps postponed on account of the fact that the reforms were to be shortly inaugurated and as Medical was to be a transferred subject the matter was practically given up by Government. In 1921, the Local Governments were again consulted but no further step was taken in the formation of an Indian Medical Council. It was in 1925 that Dr. Lohokare, a Member of the Assembly, introduced a Bill for the formation of an All-India Medical Council. Simultaneously in this House Dr. U. Rama Rao also introduced a Bill. So in 1925 two Bills were introduced in both Houses for the establishment of an Indian Medical Council. On this, Sir, the Government of India again moved and in 1927 they held a small conference to consider the Bills. In 1928, they again invited the opinions of Local Governments. That is the history of the case so far as the Government of India is concerned. Then this Bill which is before us was introduced by Government.

Now, Sir, as regards the first version, that the Bill has come up at the instance of and with the approval of the General Medical Council of Great Britain, I think it is also correct and in support of this I will quote from a letter of the Secretary of State for India to the Government of India which has fortunately found place among the collection of opinions supplied to Members

by Government. On page 50 Honourable Members will find a letter dated 17th December, 1931, which states :

“ I am directed by the Secretary of State for India in Council to transmit for the information of the Government of India a copy of correspondence with the General Medical Council on the subject of the revised draft Bill for the establishment of an All-India Medical Council ”.

So, Sir, when the draft was prepared it was perhaps submitted to the General Medical Council and when they approved it the Secretary of State informed the Government of India. Further on in that letter—

THE HONOURABLE THE PRESIDENT : We have now come to a stage when those quotations will not help us in any way. Will you please discuss the Bill ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I am coming to the point. My idea was to show that the General Medical Council had a hand in the Bill as introduced in the Assembly. I shall quote only one sentence more. Later on in the same letter it is said that :

“ The Secretary of State had no doubt that the revised draft Bill has *now* been accepted by the General Medical Council ”.

So it is clear as broad daylight from the “ now ” in the sentence that the draft was first to be approved by the Medical Council of Great Britain. As my friend, Dr. Choksy, has said, after all these steps were taken, we are afraid that in spite of the fact that the Bill has been introduced and an agreement has been arrived at, the hand of the General Medical Council may still be working and that it may not eventually see the light of day. We are still afraid of it and I shall congratulate the Honourable the Leader of the House still more when the Bill is actually placed on the Statute-book and effect is given to it.

Sir, now another pertinent question is, why was there such tremendous opposition to the Bill when it was introduced ? It was due to many reasons. The effect of the declaration of the General Medical Council in February, 1931, was, firstly, that the Indian medical graduates who graduated after the withdrawal of recognition may have difficulty in pursuing post-graduate work in England. That was the first reason why there was great opposition in the country. The second point was that it would be difficult for Indian medical graduates to find employment in countries where the condition precedent to employment is the possession of a medical qualification recognized by the General Medical Council ; for instance, in Ceylon and Malaya no doctor can be employed unless his qualifications are recognized by the General Medical Council of Great Britain. These were the two chief reasons for the enormous opposition.

Now, Sir, I will deal with some of the main features of the Bill as placed before us today. There are three main features. The first is the keeping of an All-India Register ; the second is about the election and constitution of the All-India Medical Council ; and the third is the question of reciprocity. The Select Committee has improved on all these points and it has put the Bill into

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

a shape which is very satisfactory from all points of view. So far as the Register is concerned, the Select Committee says :

" We considered whether the Register should be enlarged so as to include the licentiates and whether it should be divided into two parts, one for graduates and one for licentiates, but we are of opinion that this, apart from other objections, would entail a troublesome and expensive duplication of Provincial Medical Registers and unnecessary and invidious double appeals in disciplinary matters and that the benefit to be gained would be negligible  
\* \* \* \* \* We have accordingly deleted from the Bill all matters relating to the British Indian Medical Register".

So, Sir, this point was solved by the Select Committee in this way. Then  
12 Noon. the second important point was the constitution of the All-India Medical Council. In this connection too, Sir, they have liberalised the election and have given a chance to all the universities and made the members of the Senate voters, who can elect out of the members of the Faculty of four years' standing. As regards the election of the President of the Council, we find that for the first four years the President will be nominated by the Government after which the Council can elect its own President. As regards the Registrar, they have abolished the post and substituted it by a Secretary. The Secretary will also be first nominated for four years by the Government and later on the Council will have a right to appoint its own Secretary. So, as far as the constitution of this All-India Medical Council is concerned, the Select Committee has greatly improved it. The last point, Sir, is about the scheme of reciprocity ; I find that it has also been solved very well. This point is dealt with in clauses 12, 13 and 14 of the Bill. We find that it is open to the Council to negotiate with other countries and if they are willing to recognise graduates of our universities the All-India Medical Council will also recognise their graduates, otherwise not. Other countries, being afraid of tit for tat, will recognise our graduates. Thus, Sir, I find that the Bill has been improved from all points of view and I extend my whole-hearted support.

THE HONOURABLE SAYIED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I give my whole-hearted support to the Bill and in doing so I do not propose to make any lengthy observations inasmuch as the most important features of the Bill have already been thoroughly dealt with in the speeches that have been made before me. Sir, in the lucid and able speech made by the Honourable the Leader of the House he gave a full and clear account of the way in which the Bill came to be formulated. Sir, he told us how it was not only the Government that was holding inquiries every now and then to find out the necessity for establishing a Medical Council, that besides that there was also a strong feeling in the country that some such thing was necessary. Sir, the very fact that an Honourable Member of this House so long ago as 1926 moved a motion in this House for this purpose and that that Honourable Member was a Swarajist Member is proof positive of the fact that the necessity for the establishment of some such Council was felt not only by the Government but also by all sections of the people in the country. If any criticism has been made against this Bill in the speeches that have just been made it has been only on the ground of its origin. It has been said that the Bill came to be thought of by the Government simply because of the fact that the General Medical Council in Great Britain forced the measure upon this

country. What the justification was for the General Medical Council in Great Britain to have forced this measure upon us is a matter upon which I am not competent to express my opinion, but as a layman I find from what has actually occurred that the Medical Council of Great Britain was really not perfectly justified in trying to impose one condition after another upon medical education and the medical profession in this country. As has been observed by one of the Honourable speakers that the mere fact that there were a handful of Indian medical men practising in England did not justify the General Medical Council of Great Britain to try and impose all sorts of conditions on medical education in this country, so that it might be made almost impossible for the people of this country to go and settle down as medical practitioners in Great Britain. As has been rightly observed by the same Honourable speaker, if there was any deficiency in midwifery in this country it was because of the peculiar conditions prevailing here ; it was because of the *purdah* system and it was because of the unwillingness of the ladies to put themselves under the treatment of male doctors ; but it has got to be admitted that our country deserves to be very highly appreciated for the great advance it has made even in this branch of medical science in spite of insuperable obstacles in its way. Sir, this aspect of the question I would dispose of only by making this observation that what matters is not what was the origin of this Bill, not what were the events that led to the framing of the Bill ; this is a matter of comparatively small importance. What actually matters is what is the effect of this Bill upon this country, upon the profession in this country, upon the people in this country. So far as the effect of this Bill is concerned, there are no two opinions on the matter. Every speaker that has intervened in this debate has admitted that this Bill is bound to result in great benefit not only to the profession, but to the people of this country. Sir, they have admitted that it is bound to improve the tone of the medical profession in the country, that it is calculated to improve the status of the medical degrees of Indian universities, that it is intended to help the medical degrees of the Indian universities to be recognised by Great Britain and other universities abroad, that it will help the medical graduates of this country to find employment outside India in other parts of the British Empire. This is a great object and I congratulate the Honourable the Leader of this House on having launched a measure which is bound to prove of such great benefit to the country.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the Bill has emerged from the Select Committee in a form in which most of the criticisms levelled against it in its original form has been disarmed. I must take the opportunity of congratulating the Honourable Sir Fazl-i-Husain and his Secretary Mr. G. S. Bajpai who instead of following the usual obstinacy of the bureaucracy, adopted an attitude of compromise with the non-official opposition of the other House. The main grounds of objection was due to the proposed exclusion of licentiates from the Central Medical Register. Of course I do admit that by the method of doing away with the Central Register altogether the Government have been able to take the venom out of the criticisms against such a Register. But, Sir, to my mind the doing away with the Register was not the demand of the public and the medical profession. The objection of the medical profession was not against

[Mr. Jagadish Chandra Banerjee.]

the introduction of the Central Register, but what they wanted was the inclusion of the licentiates into that Register.

So far as I could gather from the talks with various eminent physicians and surgeons of Bengal was that they wanted at least the old licentiates who are already in service or are practising as private practitioners should be brought on to the Central Register. Their main argument in favour of such a course was that those licentiates of old were given equal education as the present-day graduates and if there is any deficiency in their training it was not their fault. Further the universities which produced such licentiates never could imagine that there will be such a tussle as we are having at present between the Indian universities and the General Medical Council of the United Kingdom. So necessarily the medical profession stood solid like a phalanx against such discrimination. Therefore I think the present *via media* arrangement though might have removed the venom from the opposition to this Bill but has not been able to take out the virus from the opposition. In the circumstances, I hope, the Government will in time later on find out ways and means for removing the last sting of the opposition by having a Central Register in which both graduates and licentiates of old may be brought together. So for the future licentiates that will be born hereafter, Government should take steps to improve the system of education imparted in the institutions which bring forth such licentiates whenever and wherever such an improvement is found to be necessary for bringing the licentiates fully up to the mark required by the General Medical Council.

Sir, I next come to the second point of opposition to the original Bill and that was about the nomination of the President of the Indian Medical Council by the Government for all time to come. I certainly give the credit to the Honourable the Member in charge of the Department of Education, Health and Lands and who is also the Leader of our House and his lieutenant Mr. Bajpai for their courage in meeting the public opposition by amending the clause which in its present amended form empowers the Governor General in Council to nominate the President for the first four years only and thereafter the Indian Medical Council is empowered to elect its own President. So to my mind this is a very great achievement on the part of the Select Committee as well. In these days when everywhere we demand non-official elected representatives in every sphere of our public life, it was like a canker on the body politic of the Indian Medical Council if a nominated President was thrust upon such an important body from its very inception with no finality of its end.

With these few words, I have great pleasure in supporting the motion and I think probably this is one of the very few rare occasions when the bureaucracy really made an earnest effort to meet the non-officials halfway. This encourages me, Sir, to hope that in future many such occasions will arise where the present administration will come forward to meet us halfway.

**THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN** (East Punjab : Muhammadan) : Sir, the main object of the measure proposed is to secure a uniformly high standard of medical education in the teaching institutions of India. The Bill in its operation will incidentally tend to raise the

standard of medical education and knowledge in the country which in its turn will tend to the wider alleviation of the sufferings of the people. The scheme is to be welcomed from every point of view and I therefore support the motion.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Sir, I gratefully acknowledge the appreciative remarks that have been made by the Honourable Members who have taken part in the debate. I am very glad indeed that Government's surrender to the non-official wishes of the Select Committee has resulted in the expressions of appreciation which we have just heard.

With the permission of the House, Sir, I should like at this stage to make good one omission from my first speech in moving the Bill. I had intended to invite the attention of the House to the constitutional aspect involved in the present legislation as was done in the other House but I missed doing so and I take the present opportunity of remedying this defect. This legislation was referred to in the White Paper in the footnote to Proposal 123 at page 59, indicating that this Bill was under the consideration of the Central Legislature and it dealt with the very important problem relating to the position of British commercial and professional men in future. It should be clearly understood that this matter is within the jurisdiction of the Joint Select Committee and the said Committee is indeed entirely free to consider the subject in all its bearings. This is undoubtedly, as was recognised in the other House, the correct constitutional position and the reason why I have felt it necessary to give prominent mention to it is so that there may be no possible misunderstanding on the subject. There is nothing more for me, Sir, to add.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to constitute a Medical Council in India, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 20 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Schedule 1.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : I beg to move, Sir,

"That in the First Schedule on page 8 of the Bill 'Licentiate in Medicine and Surgery from the Government Medical School at Agra' be inserted before 'Bachelor of Medicine and Bachelor of Surgery, University of Allahabad'."

THE HONOURABLE THE PRESIDENT : I am afraid the Honourable mover's amendment is somewhat indefinite, and I would like him to make the following alteration. Will he please delete the words "on page 8" and after the word "Bill" add the words "under column 'Recognised qualification'." The amendment will then read :

"In the First Schedule of the Bill under column 'Recognised medical qualification,' insert the words 'Licentiate in Medicine and Surgery from the Government Medical School at Agra' before the words 'Bachelor of Medicine and Bachelor of Surgery, University of Allahabad'."

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, I have given notice of this amendment as I think it is due to some omission that the Licentiate in Medicine and Surgery from the Government Medical School, Agra, has been left out, or I have not understood the question properly. It is due to either of the two things. I find from this Schedule that both the Licentiates and Bachelors of the Universities of Bombay, Calcutta, Madras, the Punjab and the other Universities are included except those of the United Provinces. There, only the Bachelors of Medicine and Bachelors of Surgery have been included, while licentiates have been deleted. Sir, the position in our province is this. There is a Medical School at Agra where students take up a four years' course. I find from the papers that they are now going to make it a five years' course and this School supplies all the licentiates in the province. So, I want this minor point to be clarified. If it is due to omission, I would press the Government to insert it. If it is due to my misunderstanding the point, I will withdraw the amendment.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** Sir, the Honourable Member has raised the point why Licentiates in Medicine and Surgery of Bombay, Calcutta, Madras and the Punjab find a place in the First Schedule and not the Licentiates in Medicine and Surgery of Allahabad. The reason is very simple. It is because this class does not exist there. You cannot put into a schedule a species or class which is not in existence. How has this mistake arisen in his mind? Because he has put in the words "from the Government Medical School, Agra". He will find that in the second column of the First Schedule, in the case of Bombay, Calcutta, Madras and the Punjab, the School is not referred to. For instance, the School in the Punjab exists at Amritsar; similarly in other places. Why? Because the Licentiate in Medicine and Surgery, mentioned in column 2 is that class of medical man who used to be in the past the product of a Medical College, not a Medical School, and the University substituted the Degree of M. B. B. S. in the place of the previous one of Licentiate in Medicine and Surgery. It existed in these four Universities and these old people of the pre-M. B. B. S. period have been included as an expiring species, and they have not been included in the case of Allahabad because they do not exist, and not in the case of Lucknow because the new institution has started with the degree while these four older institutions had started with Licentiate in Medicine and Surgery. I trust the Honourable Member will find this explanation quite sufficient.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** I withdraw the amendment, Sir.

The amendment was, by leave of the Council, withdrawn.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

## DEATH OF DR. MRS. ANNIE BESANT.

**THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU** (Madras : Non-Muhammadan) : Mr. President, with your permission, I have to express my great sorrow at the death of Dr. Besant at Madras which place she had made her home more than 30 years ago. Her services to India whether in the cause of her religion or her politics has been of the very highest order. This Honourable House deplores this great loss and I beg you, Sir, to convey the expression of the sorrow of this House at this sad event and their sincerest sympathies to her family and co-workers.

\* “ Karas Rajooloo Rajyamungalugava  
Garwonnathinbondara  
Vareri Siri Mootagattukoni Povanjalire  
Dhatripy Berayanangaladu  
Sibipramukulun Breethin yesakkamuly  
Eare Korkalu Varalan Marachirae  
Ikkalamun Bhargava ”.

But although Dr. Besant is dead, her name will be considered as Mritajiva. Jivanmrita means a man, although he is alive, will be considered as dead, and Mritajiva means that although a man is dead, his name will be living for ever. So, although Dr. Besant is dead, her name will be remembered in the world as long as the sun and moon live.

With these words, Sir, I move my motion.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE** (East Bengal : Non-Muhammadan) : Sir, coming as I do from Bengal, I entirely associate myself with what has fallen from the lips of my Honourable friend on my right from Madras. A great personality like that of Dr. Besant has passed away today. Her interest in theosophy and theosophical societies are known far and wide. She devoted the last 30 or 40 years of her life entirely to the service of this country. The House deplores her great loss and we on this side of the House beg of you, Sir, to convey the expression of sorrow of the House at this sad event and their sincerest sympathies to her co-workers.

**THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR** (Madras : Muhammadan) : Sir, I associate myself with all that has been said in connection with the death of Dr. Mrs. Besant. Sir, coming as I do from Madras, I have known her very well, for most of her stay in India was in Madras. Dr. Besant was a versatile genius. She was a religious leader, a politician and a social reformer and a public worker. Her loss is indeed of very great magnitude and is one which cannot be easily retrieved. Sir, I have had the privilege of working with her while she was framing the Commonwealth of India Bill, and can testify to the burning zeal she evinced to ameliorate the condition of the people in India.

I close my observations by joining in the message of sympathy to be sent from this Council.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN** (Leader of the House) : Sir, we heard the sad news this morning. A great personality has passed away. It was something like 40 years ago that the student world in India were first made aware of the great magnetic personality

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\* The above is a quotation from Bhagavat by Mahabali to his guru Bhargava.



[Khan Bahadur Mian Sir Fazl-i-Husain.]

of Mrs. Besant, whose chief work at the time was theosophy and the revival of the ancient Hindu faith. I have distinct recollections of my college days when the students of Lahore Colleges used to muster strong to hear her impassioned speeches on Karma and on kindred subjects. She was very, very popular amongst the students and amongst the public at large, in fact possibly more popular then than she has been since she took up political work. It was the religious phase at the time. She used to wear saffron robes and her photos and pictures appeared in all the houses and shops of Hindus and she commanded feelings of reverence and veneration amongst Hindus of all schools of thought. She was one of the most wonderfully eloquent speakers that I have ever listened to. Not only had she a magnetic personality, but there was some sort of magnetism in her voice, which was full, strong and mighty and affected her listeners very, very effectively indeed. So, whether we look at it from the point of view of a great personality which made India her home for the last 30 or 40 years, or whether we look at her and her personality as of international importance in the world of theosophy, or as one who during the second decade of the present century had devoted herself to the political service of India as the founder of the Home Rule League movement, India is the poorer by her death.

Sir, I associate myself with the previous speakers in requesting you to convey our feelings of sorrow and of sympathy with the relatives and co-workers of the late Dr. Besant.

THE HONOURABLE THE PRESIDENT: The Chair will also associate itself with the sympathetic observations which have fallen from the Honourable Members and the Leader of the House. We are all grieved to hear of the death of this talented lady. However she has died in the fullness of age and in the zenith of her glory and reputation. What appealed to me most in that distinguished lady was not her politics, not her discourses on theology and theosophy, but her great achievements in the field of literature. She was one of the most talented women in the British Empire and it is no exaggeration to say that for many, many years there will not be found another woman in the British Empire to equal her in accomplishment, erudition and talent. As desired by you, I will convey to her institution in Madras the sympathy and sorrow of this House.

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THE HONOURABLE THE PRESIDENT: The Council will now adjourn. I am not in a position to announce any particular date on which the next meeting of the Council will take place. Honourable Members will get notice in due course ; but the next meeting will be in Delhi and I think it will probably be about the beginning of December.

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The Council then adjourned.

***ERRATA.***

1. In Council of State Debates of 11th September, 1933, page 223, in the subject of question No. 158 *for* " Indian Medical Department " *read* " Indian Medical Service ".

2. In Council of State Debates of 13th September, 1933, page 287, in part (b) of question No. 178 *for* " being " *read* " been ".



## COUNCIL OF STATE.

*Thursday, 14th December, 1933.*

The Council met in the Council Chamber of the Council House in New Delhi, at Eleven of the Clock, the Honourable the President in the Chair.

### MEMBERS SWORN :

The Honourable Mr. Ronald Evelyn Leslie Wingate, C.I.E. (Government of India : Nominated Official).

The Honourable Mr. David George Mitchell, C.S.I., C.I.E. (Industries and Labour Secretary).

The Honourable Sir Guthrie Russell, Kt. (Chief Commissioner of Railways).

The Honourable Mr. Charles Alexander Souter, C.S.I. (Madras : Nominated Official).

The Honourable Mr. George Hemming Spence, C.I.E. (Government of India : Nominated Official).

The Honourable Sir Kurma Venkata Reddi, Kt. (Madras : Nominated Non-Official).

### QUESTIONS AND ANSWERS.

#### REPATRIATION OF TERRORIST PRISONERS FROM THE ANDAMANS.

214. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Has the attention of Government been drawn to a press statement issued by a large number of leading Indians including the Poet Rabindra Nath Tagore, P. C. Roy, Srimati Sarojini Naidu, C. F. Andrews, C. Y. Chintamani, and many others, urging Government immediately to repatriate to India the political prisoners sent to the Andamans and requesting to stop altogether transfer and compulsory transportation of any class of convicts ?

(For reply see under No. 215.)

#### REPATRIATION OF TERRORIST PRISONERS FROM THE ANDAMANS.

215. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to state whether it has given any reply to the representation referred to in the previous question ?

(b) If the answer is in the negative, what are the reasons for not replying to it ?

THE HONOURABLE MR. M. G. HALLETT : With your permission, Sir, I propose to reply to questions Nos. 214 and 215 together.

I would refer the Honourable Member to the Honourable the Home Member's speech of 11th September, 1933, in this House which contained a complete answer to his questions.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** May I know if the Government attaches any value or gives any consideration to these representations, however important they are ?

**THE HONOURABLE MR. M. G. HALLETT :** If the Honourable Member had been present when the Honourable Home Member delivered his speech, he would have realised that he referred to this representation in the course of that speech. I have nothing to add to what the Honourable Home Member said on that occasion.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Was any reply given to the members who made this representation ?

**THE HONOURABLE MR. M. G. HALLETT :** I think no reply other than that given in the speech was given. As far as I recollect, the representation or the memorandum was not sent direct to Government.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Was it forwarded through any Provincial Government ?

**THE HONOURABLE MR. M. G. HALLETT :** I must ask for notice of that question. As far as I recollect the memorandum was not sent to Government officially by those gentlemen who had signed it. It was merely published in the press. Hence it was not sent to any Local Government.

#### TRANSFER OF TERRORIST PRISONERS TO THE ANDAMANS.

**216. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** (a) Is it a fact that a fresh batch of prisoners or detenues has been sent to the Andamans ?

(b) If so, will Government be pleased to state their number and names as well as the reasons for sending them ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) and (b). Twenty-five terrorist prisoners were sent to the Andamans on 3rd September, 1933. Government do not propose to publish their names. The policy of Government in this matter was fully explained by the Honourable the Home Member in his speech in this House on 11th September, 1933.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Was it a fact that the Home Member gave a definite reply during the last Simla session that no further batches of prisoners will be sent to the Andamans ?

**THE HONOURABLE MR. M. G. HALLETT :** The Honourable Member, I understand, is asking whether further batches will be sent. They will certainly be sent if need arises in accordance with the policy of the Government.

CIVIL SURGEON, BAREILLY.

217. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that the Civil Surgeon, Bareilly, used to get an allowance from the Rohilkund and Kumaon Railway for looking after the railway colony ?

(b) If so, why and since when has the allowance been stopped ?

(c) Is it a fact that it has been stopped owing to an Indian member of the Indian Medical Service being recently stationed there ?

(d) If so, what consideration was paid to the large number of Indian staff in the colony ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) Yes.

(b), (c) and (d). The Agent, Rohilkund and Kumaon Railway, reports that with the expansion of the Railway Medical Department of that Railway it was not considered necessary to retain the services of the Civil Surgeon, Bareilly, any longer and they were accordingly dispensed with. The medical needs of the Rohilkund and Kumaon Railway staff at Bareilly are attended to by the Railway Medical Officer stationed at Izatnagar.

DELHI CAMP ALLOWANCE DRAWN BY CLERICAL STAFF OF ATTACHED OFFICES AND ARMY HEADQUARTERS.

218. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : (a) Is it a fact that the Attached Offices and the Army Headquarters clerical staffs draw an allowance called "camp allowance" in Delhi in lieu of the house rent allowance drawn by the clerical staffs of the Secretariat departments ?

(b) Is it a fact that the members of the Secretariat departments have to surrender their entire house rent in Simla when provided with quarters, whereas the members of Attached Offices and Army Headquarters pay only 10 per cent. rent for the same quarters ?

(c) Is it a fact that A of a Secretariat Department drawing a salary of, say, Rs. 100 per mensem and entitled to a house rent of Rs. 260 has to surrender it when he is allotted a quarter whereas B of an Attached Office or Army Headquarters drawing the same pay, pays for the same type of house only 10 per cent. of his pay as rent which comes only to Rs. 70 in all for the season ? If so, does it not mean that A pays Rs. 260 and B pays Rs. 70 for the same type of house ? If so, will Government please explain why there is this distinction and whether they propose to eliminate it ? If not, why ?

THE HONOURABLE MR. M. G. HALLETT : (a) The camp allowance drawn in Delhi by the clerical staff of Attached Offices and Army Headquarters is not in lieu of the Simla house rent allowance admissible to men in the Secretariat proper. It is intended to meet the extra expenditure involved in maintaining two establishments when members of the staff are away from their headquarters, namely, Simla.

(b) and (c). The clerical staff of the Secretariat proper is entitled to certain concessions in regard to accommodation in Simla. In the case of those under the old rules who are allotted quarters, the rent of which exceeds the house rent allowance admissible, the allowance is withheld in full and the men concerned have to pay Government the difference. When the rent of the quarters is less than the allowance admissible, the difference is paid to the clerk. In the case of those under the new rules who are allotted Government quarters,

there is no question of paying the difference, if any, either to Government or to the clerk, as the quarters are given free, whatever their rent. Clerks in Attached Offices are not, as a general rule, entitled to free accommodation in Simla. They therefore pay as rent up to 10 per cent. of their pay under Fundamental Rule 45B. IV. There is no analogy between the two cases but I cannot admit that Secretariat men, the whole of whose house allowance is withheld, are unfairly treated. It is a well-known principle that an allowance of this kind is not to be a source of profit. If Government provides accommodation free of rent in Simla, it has fulfilled its undertaking and it is not called upon to pay anything more on that account.

#### BEMLOE QUARTERS.

219. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Is it a fact that the rental of Bemloe quarters which are intended for gazetted officers and men drawing more than Rs. 600 is much less than the rental of the A type quarters in Summer Hill? If so, how is this justified and is Government prepared to eliminate the distinction? If not, why?

THE HONOURABLE MR. D. G. MITCHELL: No. In the case only of class "F" bungalows of types "C" and "D" at Bemloe, the rents are slightly lower than the rent of an "A" class quarter at Summer Hill. As rents are assessed in accordance with settled principles, Government see no reason to eliminate the distinction. I may add, however, that the rents of houses in Simla are under revision.

#### BEMLOE QUARTERS.

220. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: (a) Is it a fact that the rental of Bemloe quarters is calculated on a seasonal basis and not on an annual basis?

(b) Is it a fact that the rental of quarters of all types in Summer Hill and particularly of "A" type is calculated on an annual basis?

(c) If so, how do Government justify the differential treatment as between the officers living in Bemloe and the staff living in Summer Hill, especially when the former are in receipt of larger emoluments? Is Government prepared to abolish this distinction? If not, why?

THE HONOURABLE MR. D. G. MITCHELL: (a) No. All rents are calculated on an annual basis and charged for the period of allotment.

(b) Yes.

(c) Does not arise.

#### SUMMER HILL QUARTERS.

221. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: (a) Is it a fact that Government quarters in Summer Hill are available for allotment to the staff in the Secretariat as well as in the Attached Offices who have adopted the unorthodox style of living?

(b) Will Government be pleased to state the basis on which allotment of these quarters is made as between the staff of the Secretariat and the staff of the Attached Offices?

(c) Is it a fact that in the allotment of these quarters preference should be shown, in accordance with the rules framed by the Government of India, to persons employed in the Secretariat? If so, will Government be pleased to state whether this rule has been strictly followed in the allotment that has been made for the summer season of 1934? If not, will Government kindly explain the reasons for the deviation from the rule?

THE HONOURABLE MR. D. G. MITCHELL: (a) Yes.

(b) The allotments are made in accordance with the accommodation rules, under which there is no express distinction between Secretariat staff and staff of Attached Offices. Priority is, however, given to those in receipt of Simla house rent allowance, and this allowance is paid mainly to members of the Secretariat staff.

(c) No. The rules provide *inter alia* that those entitled to a house rent allowance shall have priority over those not so entitled. These rules have been strictly followed in making the allotments for the summer season of 1934.

#### SUMMER HILL QUARTERS.

222. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: (a) Is it a fact that Government recover by way of rental on these quarters less from persons belonging to the Attached Offices like Army Headquarters, Civil Aviation and Indian Stores Department, than from those belonging to the Secretariat? If so, how do Government justify the allotment of certain quarters, especially of the highest type in Summer Hill, to persons of the Attached Offices, especially when persons from the Secretariat who are otherwise entitled to these quarters have applied for them?

(b) Will Government be pleased to state how much loss there has been to Central Revenues by such allotment?

THE HONOURABLE MR. D. G. MITCHELL: (a) Yes. In most cases Government receives less rent from persons belonging to the Attached Offices than would be received from members of the Secretariat staff. Allotments are made strictly in accordance with the rules and no question of justification arises.

(b) The information is not readily available. The allotments for Simla quarters are, however, made in order of juniority and the object in view is not the realization of the maximum amount of rent.

#### SUMMER HILL QUARTERS.

223. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Will Government be pleased to state the principles on which the different types of quarters, namely, "A", "B" and "C" in Summer Hill are allotted?

THE HONOURABLE MR. D. G. MITCHELL: The quarters are allotted in accordance with the accommodation rules,\* a copy of which is laid on the table.

#### SUMMER HILL QUARTERS.

224. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: (a) Is it a fact that, in connection with the allotment of these quarters for the summer season of 1934, it was found that not all the "A" type quarters

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\* Not printed.



could be allotted to the persons who are entitled to them, i.e., to those persons of the Secretariat who are in receipt of house rent allowance of Rs. 450 and over? If so, what is the number of such quarters and to whom have these quarters been allotted?

(b) Will Government be pleased to state whether in such allotment consideration has been shown to those who have already been living in Government quarters but who are entitled only to lower types of quarters? If so, what are the principles that have been adopted? If not, why?

THE HONOURABLE MR. D. G. MITCHELL: (a) There were 15 "A" class quarters surplus after meeting the demands of officers entitled to them and these were allotted as follows:

Seven to entitled "B" class officers.

Five to entitled "C" class officers.

Three to technical clerks of Army Headquarters entitled to free quarters.

(b) Allotments are made in accordance with Supplementary Rule 317-E. IV. Officers who reside in accommodation out of their class do not establish any claim to similar accommodation for the succeeding year.

#### SUMMER HILL QUARTERS.

225. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: (a) Is it a fact that certain persons who are entitled to house rent allowance and entitled to Government quarters in Summer Hill but to lower types like "C" and "B" have applied for "A" type quarters and offered to pay for them the full assessed rent calculated on a seasonal basis, i.e., Rs. 392?

(b) Is it a fact that their offers have not been accepted and that they are being asked to pay the assessed rent on an annual basis, i.e., Rs. 668 in spite of the fact that they would occupy the quarters only during the summer season?

(c) Is it a fact that, on the other hand, certain members of the staff of the Attached Offices, for instance, Mr. C. N. Sen, of the Civil Aviation Office and several European and Anglo-Indian employees of Army Headquarters have been allowed to occupy these "A" quarters on payment of less rent than Rs. 392? If so, how do Government justify such allotment?

THE HONOURABLE MR. D. G. MITCHELL: (a) Yes. Such offers are not in accordance with the rules.

(b) Yes, in accordance with the rule which lays down that allotments shall be made for the financial year except in certain specified cases.

(c) No. They have been allotted a higher class of accommodation on the assessed rental of that class.

#### SUMMER HILL QUARTERS.

226. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: (a) Will Government be pleased to state the principles on which allotment of a higher type of quarters than that to which they are entitled is made as between persons who will be occupying the quarters in Summer Hill for the first time during the summer season of 1934 and those who have already been in occupation of quarters for a year or two?

(b) Is it a fact that in the allotment for the summer season of 1934 of certain "A" type quarters preference has been shown to those who have applied for these quarters for the first time as against those who have already been in occupation for a year or two, and that in some cases the class of quarters to which both the sets of persons are entitled is the same? If so, how do Government justify such allotment?

THE HONOURABLE MR. D. G. MITCHELL: (a) The attention of the Honourable Member is invited to the rules,\* a copy of which has been laid on the table.

(b) Allotments have been made strictly in accordance with Supplementary Rule 317-E. IV, under which officers who reside in accommodation out of their class do not establish any claim to similar accommodation for the succeeding year.

#### AMOUNT OF HOUSE RENT ALLOWANCE PAID UNDER THE NEW RULES.

227. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Is it a fact that a considerable portion of the staff of the Government of India Secretariat are in receipt of house rent allowance under what are called the new rules? If so, what is the total amount given that way in the different offices?

THE HONOURABLE MR. M. G. HALLETT: There are at present 423 persons in the Government of India Secretariat who are in receipt of house rent allowance in Simla under the new rules. The allowance paid to them in 1933 amounted to Rs. 1,30,008-2-0.

#### RENTAL PAID BY CLERICAL STAFF OF ATTACHED OFFICES WHEN ALLOTTED QUARTERS IN SIMLA.

228. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Is it a fact that persons employed in the Attached Offices of the Government of India have to pay 10 per cent. of their pay as rental when allotted quarters in Simla?

THE HONOURABLE MR. D. G. MITCHELL: Persons employed in the Attached Offices pay the standard rent or 10 per cent. of their monthly emoluments, whichever is less, in accordance with rule 45A of the Fundamental Rules.

#### ALLOTMENT OF QUARTERS IN SIMLA.

229. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Is it a fact that several quarters, especially unorthodox, have had to be allotted to Attached Offices staff in past years because of the fact that sufficient number of Secretariat staff have not been forthcoming to occupy these quarters? If so, have Government considered the possibility in the interest of economy of compelling the Secretariat staff to occupy Government quarters, especially unorthodox?

THE HONOURABLE MR. D. G. MITCHELL: Yes. It is not considered necessary to compel officers to occupy Government residences when other eligible rent-paying officers are willing to take them.

## INDIAN RAILWAY CONFERENCE ASSOCIATION.

230. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Will Government be pleased to state the aims and objects of the annual session of the Indian Railway Conference Association ?

(b) Do Government bear any expense of the annual sessions of the said Association ? If so, what is the amount ?

(c) Since when has the annual session been held ?

(d) Do the Company-managed Railways make any contributions towards the cost of the annual sessions of the said Association ? If so, will Government be pleased to state their quota, line by line ?

(e) What was the total cost of this year's session at Simla and to what extent have Government and the Company-managed Railways contributed towards it ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) The Indian Railway Conference Association is constituted to frame regulations for the management of traffic interchanged between the Railways represented in the Association and to advise on other subjects relating to Indian Railways which may be referred to them by Railways or by the Government and the annual session is held in furtherance of these objects.

(b) Government do not bear any part of the expenses of the Conference directly, but the expenses are shared among the Railways which are parties to the Association. A large proportion of these are State-owned lines.

(c) The Railway Conference has been held annually for the last 30 years.

(d) Yes.

(e) The total cost of the session at Simla in October, 1933, was approximately Rs 3,465. A statement showing the allocation of the cost between the Railways is placed on the table of the House.

*Statement showing the allocation to State Railways and Company-managed Railways of the cost of 1933 session of Indian Railway Conference Association, including cost of printing of the proceedings.*

	Amount.		
	Rs.	a.	p.
<i>State Railways.</i>			
Burma . . . . .	138	9	4
Eastern Bengal . . . . .	155	9	4
East Indian . . . . .	630	8	4
Great Indian Peninsula . . . . .	243	8	4
North Western Railway . . . . .	229	8	4
Total . . . . .	1,397	11	8

Statement showing the allocation to State Railways and Company-managed Railways of the cost of 1933 session of Indian Railway Conference Association, including cost of printing of the proceedings—contd.

	Amount.		
	Rs.	a.	p.
<i>Company-managed Railways.</i>			
Assam Bengal	101	11	0
Assam Railways and Trading Co. (the Dibru Sadiya Railway)	20	14	4
Barsi Light	21	11	1
Bengal and North Western	126	9	4
Bengal Doonars	34	11	4
Bengal Nagpur	219	8	4
Bengal Provincial	10	7	2
Bhavnagar State	51	11	4
Bikaner State	36	5	0
Bombay, Baroda and Central India	298	8	4
Bombay Port Trust	15	7	2
Calcutta Port Commissioners	10	7	2
Darjeeling Himalayan	10	7	2
Dholpur State	10	7	2
Gaekwar's Baroda State	35	5	6
Gondal	40	14	4
Gwalior Light	20	14	4
H. E. H. the Nizam's State	198	11	0
Jamnagar and Dwarka	56	14	4
Jodhpur	65	12	8
Junagad State	25	14	4
Madras and Southern Mahratta	245	8	4
Madras Port Trust	10	7	2
Messrs. Mueneill & Co. (the Jorhat Provincial Railway)	10	7	2
Messrs McLeod & Co. (the A. K., B. D. R., etc., Light Railways)	10	7	2
Messrs. Martin & Co. (the Howrah-Amra, etc., Light Railways)	29	11	1
Messrs. Octavius Steel & Co. (the Dehri-Rohitas Light Railway)	10	7	2
Morvi	36	11	4
Mysore	10	11	1
Porbandar State	10	7	2
Rohilkhand and Kumaon	39	5	6
South Indian	195	9	4
Udaipur Chittorgarh	10	7	2
Total	2,067	11	4
Grand Total	3,465	7	0

## SAFEGUARDING OF RAILWAYS FROM MOTOR BUS COMPETITION.

231. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state what steps they have taken to safeguard the interests of Railways from the effects of the competition of motor buses?

THE HONOURABLE SIR GUTHRIE RUSSELL: I would refer the Honourable Member to the reply given by Mr. Brayshaw to the Honourable Raja Raghunandan Prasad Singh's question No. 22 on the 29th August, 1933.

## MR. POPE, RAILWAY RETRENCHMENT EXPERT.

232. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it a fact that Mr. Pope, the railway retrenchment expert, is expected to visit India during this cold weather for the purpose of suggesting means for further retrenchment on Railways? If so, on what honorarium?

THE HONOURABLE SIR GUTHRIE RUSSELL: The reply to the first part of the question is in the affirmative. As regards the latter part the terms of Mr. Pope's employment are as follows:

- (1) Pay during absence from England at the rate of £2,400 a year.
- (2) First class accommodation by steamer and P. and O. special train across France both on the outward and return journey.
- (3) Allowance of Rs. 1,000 a month while in India; and an allowance of £66-13-4 per mensem while on board ship.
- (4) Cost of first class travel in India (except when provided free of charge) and a daily allowance of Rs. 10.

## RECOMMENDATIONS OF THE POPE ENQUIRY COMMITTEE AND ECONOMIES EFFECTED ON STATE-MANAGED RAILWAYS.

233. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state, line by line, in how many departments of the State-managed Railways, economies have been effected on the recommendation of the Pope Enquiry Committee and in what form?

THE HONOURABLE SIR GUTHRIE RUSSELL: For the Honourable Member's information I may explain that when Mr. Pope's investigation was concluded last March, special organization officers were appointed on all the important Railways to carry out the detailed examination of various railway operations recommended by him, and Railway Administrations were asked to submit six-monthly progress reports on these activities. Not all these reports have yet been received and the Government are not yet in a position to give the Honourable Member the information he has asked for.

## CREW SYSTEM.

234. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government be pleased to state on how many Railways in India the crew system is still in existence?

(b) When was the crew system introduced on the East Indian Railway and why was it stopped?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** (a) The crew system is in force on the suburban sections of the Eastern Bengal Railway and on the Bhusaval-Harda, Bhusaval-Badnera and Amalner-Jalgaon sections of the Great Indian Peninsula Railway.

(b) The crew system was introduced on the East Indian Railway on 1st August, 1926, and stopped on 1st June, 1931. The reasons for its being abandoned will be found in paragraphs 35 to 41 of the Moody Ward Committee's Report, a copy of which is in the Library.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** May I ask, Sir, why the crew system which was introduced on the East Indian Railway has been stopped for the present?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** I have already told the Honourable Member that he will find that information in the Moody Ward Report, a copy of which is in the Library.

#### MEASURES ADOPTED BY RAILWAYS TO STOP TRAVELLING WITHOUT TICKETS.

**235. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** Will Government be pleased to state what measures they have adopted to stop ticketless travelling on the Indian Railways?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** I am afraid I cannot enumerate here all the measures adopted by Railways to stop ticketless travelling. Some of the more important are checking of tickets at gates and enforcement of purchase of platform tickets in the case of non-passengers, employment of travelling ticket examiners to check tickets *en route* and of flying squads to make surprise checks both on trains and at selected stations, appointment of Railway Magistrates at certain specified stations to deal with ticketless passengers, surprise checks in the presence of Railway Magistrates, appointment of lady ticket examiners, provision of unclimbable fencing at stations, and so on.

I am sorry to say, however, that in spite of these measures illicit travelling without tickets is still very prevalent and the suggestion has been made in the past and again only recently that the only way to stop this practice is to make the offence of travelling without a ticket a cognizable one.

#### HARDINGE BRIDGE, EASTERN BENGAL RAILWAY.

**236. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** (a) Has the attention of Government been drawn to the news item published in *Forward* of Calcutta, of the 3rd October, 1933 (town edition), regarding the present condition of the Hardinge Bridge embankment on the Eastern Bengal Railway?

(b) Is it a fact that there have been wide breaches in the stone embankment to the west of the bridge and that the depth of the river at the danger spot is nearly 90 feet?

(c) If so, what steps have Government taken to save the bridge and the embankment from the fury of the river Padma?

(d) Has the bridge and embankment ever been visited by any expert engineer since it was open to railway traffic?

(e) If so, what was his opinion about the bridge?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) and (b). Yes.

(c) The Eastern Bengal Railway Administration has been carrying out protective measures to prevent further damage to the embankment and the bridge, which have been successful. Sir Robert Gales, who was in charge of the designing and construction of the bridge and is now a partner in the firm of Messrs. Rendel, Palmer and Tritton, Consulting Engineers to the Government of India, has arrived in India for the purpose of advising on the further work that should be done before next flood season.

(d) and (e). The bridge and its protective works are subject every year to special inspections by a Senior Government Inspector of Railways and the Chief Engineer of the Eastern Bengal Railway and the former submits reports to the Railway Board after such inspections. Any protection works found necessary as a result of such inspections are carried out. Certain special works found necessary after the 1931 flood season were referred to the Consulting Engineers for their advice, which was received in due course and acted on.

#### AUDIT AND ACCOUNTS DEPARTMENT, ASSAM-BENGAL RAILWAY.

237. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Will Government be pleased to state the cadres of the Audit and Accounts Department in the Assam-Bengal Railway?

(b) How many Indian officers are there in the Department?

(c) How many of the auditors in the Department are qualified auditors?

(d) Is it a fact that Mr. R. Roy, a Chartered Accountant, is holding the post of assistant auditor in the Department?

(e) How long has Mr. Roy been working as an assistant auditor?

(f) Is it a fact that the present Chief Auditor is going to retire very shortly?

(g) What is the number and percentage of Indian officers in the Traffic Department?

(h) Is it a fact that a recent vacancy in the Traffic Department has been filled by a non-Indian? If so, what are his qualifications?

(i) Were there any applications from qualified Indians for the said vacancy?

(j) How many Indian officers in the Traffic Department have British railway training and experience?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) The cadre of the Audit and Accounts Department is as follows:

Chief Auditor . . . . .	1
Deputy Auditor . . . . .	1
Assistant Auditors . . . . .	4

(b) Four.

(c) They have all received training in the Audit and Accounts Department.

(d) Yes.

(e) From the 1st June, 1917.

(f) He has already retired.

(g) The number of officers in the Traffic Department is 14 of whom six are Indians.

(h) A post of Assistant Traffic Superintendent which fell vacant recently was filled by the promotion of an Indian.

(i) In view of the reply to part (h) above, this question does not arise.

(j) Two.

NUMBER OF BENGALIS EMPLOYED IN THE SUPERIOR AND MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT, ETC.

238. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Will Government be pleased to state the number of Bengalis in each Department of the Secretariat of the Government of India?

(b) How many of them are Secretaries, Deputy Secretaries, Assistant Secretaries, Superintendents, Assistants and Clerks?

(c) How many of them are Hindus and how many Muslims?

(d) What is the total number of Indians serving in the various departments of the Government of India?

(e) How many of them are—

(i) Hindus.

(ii) Muhammadans.

(iii) Christians.

(iv) Jews.

(v) Parsees, and

(vi) Buddhists?

(For reply see under No. 239.)

COMMUNAL COMPOSITION OF THE SUPERIOR AND MINISTERIAL STAFF IN THE GOVERNMENT OF INDIA SECRETARIAT AND NUMBER OF INDIANS SERVING IN THE DIFFERENT DEPARTMENTS WITH THEIR PROVINCE OF ORIGIN.

239. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

Will Government be pleased to state the number of Indians serving in the different departments of the Government of India, province by province?

THE HONOURABLE MR. M. G. HALLETT: With your permission, Sir, I propose to reply to questions Nos. 238 and 239 together. The information required is not readily available, and I do not think that any useful purpose will be served by the collection of the statistics, as the Government of India have decided that it is not practicable to take special measures to secure representation for provinces either generally or in terms of particular communities in services under their control which are recruited on an all-India basis. I would, however, refer the Honourable Member to the annual statements showing the communal composition of the various services, which I hope will be of some use to him.



**STRENGTH OF THE INDIAN CIVIL SERVICE AND THE NUMBER OF INDIANS THEREIN.**

240. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) What is the total number of members of the Indian Civil Service in India and how many of them are Indians ?

(b) How many Indian members of the Indian Civil Service are at present serving in the Government of India and how many of them are Bengalis ?

THE HONOURABLE MR. M. G. HALLETT : (a) The total number of Indian Civil Service officers in service on 31st December, 1932, the most recent date for which information is easily available, was 1,177, including 368 Indians.

(b) Nine Indian I. C. S. officers are at present serving in the Government of India, including one Member of the Executive Council. None of them is a Bengali.

THE HONOURABLE SIR KURMA VENKATA REDDI : Sir, may I ask a supplementary question arising out of the last answer ? May I know from Government how many of these are Madras Brahmins ?

THE HONOURABLE MR. M. G. HALLETT : I am afraid I cannot answer that question without notice.

**NUMBER OF INDIANS IN THE LEAGUE OF NATIONS SECRETARIAT.**

241. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the number of Indians with their names working in the Secretariat of the League of Nations at Geneva and the salaries they are drawing ?

THE HONOURABLE MR. G. H. SPENCE : The total number of Indians at present employed in a permanent or temporary capacity is believed to be nine. A statement containing the desired information with reference to the six Indians permanently employed is laid on the table. No particulars are available with reference to the temporary employees.

*Statement showing the names of Indians permanently employed in the League of Nations Secretariat, and the International Labour Office and the salaries drawn by them.*

Name.	Salary.
<i>League of Nations Secretariat.</i>	
Mr. A. C. Chatterjee . . . . .	20,000 Swiss Francs.
Mr. S. N. Ghose . . . . .	7,900 Swiss Francs.
Mr. J. J. Dalal . . . . .	18,600 Swiss Francs.
Mr. S. M. Dhume . . . . .	19,800 Swiss Francs.
<i>International Labour Office.</i>	
Mr. K. Kuriyan . . . . .	20,900 Swiss Francs.
Mr. R. K. Das . . . . .	23,000 Swiss Francs.

**ANNUAL COST OF THE INTERNATIONAL LABOUR OFFICE, NEW DELHI BRANCH.**

242. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the cost of the Office of the International Labour Bureau of Geneva at New Delhi including the salaries of the members of the staff, and whether the entire cost or any portion thereof is borne by the Government of India ?

**THE HONOURABLE MR. D. G. MITCHELL :** According to the budget estimates of the League of Nations the total annual cost of the New Delhi Branch of the International Labour Office is about Rs. 40,000. The funds are wholly provided by the International Labour Office, and no part of the cost is directly borne by the Government of India.

**DEATH OF SAILESH CHANDRA CHATTERJI, DETENU IN THE DEOLI DETENTION JAIL.**

**243. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Will Government be pleased to make a statement regarding the illness and recent death of detenu Sailesh Chandra Chatterji at Deoli Detention Camp? When was he removed from Bengal and why?

(b) Is it a fact that he had not been keeping well since he was removed from Bengal?

(c) Will Government be pleased to state whether the parents and relatives of the deceased detenu Sailesh Chandra Chatterji were given any previous intimation regarding his illness at the detention camp? If not, why not?

**THE HONOURABLE MR. M. G. HALLETT :** (a) The detenu was removed from Bengal to Deoli on the 12th September, 1933, because he was an important member of the terrorist party and his removal was considered desirable in the public interest. He died in the jail hospital on 17th October, 1933, from malignant tertian malaria.

(b) I have no information to that effect.

(c) No, because there was no reason to anticipate a fatal end to the illness.

**BASANTA KUMAR ROY, DETENU IN THE DEOLI DETENTION JAIL.**

**244. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state why detenu Basanta Kumar Roy of Dacca has been removed from Buxar Detention Camp to Deoli?

**THE HONOURABLE MR. M. G. HALLETT :** He was removed to Deoli because he was an important member of the terrorist party and his removal from Bengal was considered desirable in the public interest.

**RESULT OF THE ENQUIRY INTO THE LEVEL CROSSING ACCIDENT AT BHADOHI, EAST INDIAN RAILWAY.**

**245. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Will Government be pleased to state whether there was any enquiry by the Divisional Superintendent of the East Indian Railway or by any other authority of the said Railway into the level crossing disaster at Baiduni near Benares on the East Indian Railway?

(b) If so, what was the result?

(c) Is there any mention in the enquiry report as to who was responsible for the disaster,—the guard or the driver of the bus?

(d) Will Government be pleased to state whether the said level crossing is worked by hand or mechanically?

(e) Will Government be pleased to make a statement regarding the situation of the railway track and the motor road that intersects the said level crossing and the distance of the signal post that lies near it?

(f) Have the authorities of the East Indian Railway since the said disaster put right the level crossing and made any improvement regarding the future safety of pedestrians and passengers by cars and buses ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) A departmental enquiry of Deputy Heads of Departments was held at Bhadohi (not Baiduni) on the 12th June, 1933.

(b) The gateman and the driver of the bus were prosecuted but both were acquitted.

(c) The finding of the departmental enquiry was that the primary cause of the accident was that the gates at the level crossing were open but that the gateman could not be held entirely culpable and that there was contributory negligence on the part of the driver of the motor bus.

(d) The level crossing gates, which are coupled, are worked by hand.

(e) The railway crosses the Mirzapur-Jaunpur road about 400 feet outside the up outer signal of Bhadohi station.

(f) The gates of this level crossing comply with the safety regulations and no action has been taken by the Agent, East Indian Railway, since the accident, beyond issuing instructions to ensure that level crossing gates are closed and locked before the approach of trains.

#### NUMBER OF INDIANS EMPLOYED AS CUSTOMS PREVENTIVE OFFICERS AND APPRAISERS IN THE DIFFERENT PORTS OF INDIA AND BURMA.

246. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Will Government be pleased to state the number of Indian Customs Preventive Officers and Appraisers in the different ports of India and Burma ?

(b) How many of them are Hindus, Muslims and Christians ?

(c) How many of the Customs Preventive Officers and of the Appraisers are Bengalis ?

(d) Are there any Burmese Preventive Officers and Appraisers in any port in Burma ? If so, what is their number and where are they posted at present ?

(e) If the answer to the first part of (d) is in the negative, will Government be pleased to state why Burmese are not appointed either as Preventive Officers or Appraisers in any port of Burma ?

(f) Will Government be pleased to state the number of Anglo-Indians and Europeans in the Customs Service as Preventive Officers and as Appraisers in India and Burma ?

THE HONOURABLE MR. J. B. TAYLOR: (a), (b) and (f). A statement is placed on the table.

(c) Eighteen Appraisers and 67 Preventive Officers are Bengalis.

(d) Yes. Two Appraisers, both at Rangoon and ten Preventive Officers, three at Rangoon, one at Akyab, one at Moulmein, two at Mergui and three at Tavoy.

(e) Does not arise.

Statement showing the communal composition of the Appraisers and Preventive Officers in the different ports of India and Burma.

	Preventive Officers.					Appraisers.							
	Indians.					Euro- peans.	Indians.					Euro- peans.	
	Hindus.	Mus- lims.	Chris- tians.	Others.	Total.		Hindus.	Mus- lims.	Chris- tians.	Others.	Total.		
Bombay	5	2	9	7	23	31	7	3	6	10	26	1	3
Calcutta	42	27	5	..	74	8	13	4	2	..	19	10	1
Karachi	8	6	..	1	15	12	9	2	5	1	17	2	1
Madras	18	9	3	..	30	4	7	..	..	..	7	4	1
Rangoon and Burma Outposts.	..	..	..	..	..	1	..	1	..	..	1	8	2
Chittagong	3	4	..	..	7	..	1	..	..	..	1	1	..
	76	48	17	8	149	56	37	10	13	11	71	26	8

TRANSFER OF THE CENTRAL PUBLICATION BRANCH FROM CALCUTTA TO DELHI.

247. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state whether it is a fact that the Central Publication Branch, Government of India, has lately been transferred from Calcutta to Delhi ? If so, how much was expended on account of the transfer ?

(b) Has it been represented to Government that the Bengali staff of the office has been confronted with serious difficulties by reason of transfer ?

(c) Is it a fact that most of the staff do not get more than Rs. 60 per mensem after various kinds of deduction ?

(d) What is the number of the permanent clerical staff ?

(e) How many of the staff of the office draw salaries up to Rs. 60 per mensem ?

(f) How many of the clerks get above Rs. 60 and below Rs. 100 ?

(g) How many of the staff get Rs. 100 and above ?

(h) Is it a fact that a clerk of the office drawing Rs. 60 per mensem has to subsist on Rs. 25 to Rs. 30 throughout the whole month after submitting to the following compulsory obligations :

(i) Ten per cent. house rent cut ?

(ii) Water tax Rs. 2-8-0 per month ?

(iii) Five per cent. emergency cut ?

(iv) Life insurance premium ?

(v) Provident fund ?

(vi) Cut on account of advance loan ?

THE HONOURABLE MR. D. G. MITCHELL : (a) Yes. Rs. 1,36,400 approximately.

(b). Yes.

(c) and (h). I am not in possession of particulars of the amounts spent by the clerks under all the heads mentioned by the Honourable Member and therefore cannot give a categorical reply. The compulsory deductions are made according to the usual rules, but the Honourable Member appears to have included certain voluntary payments and to assume that other sums already advanced by Government are not available for the maintenance of those receiving them.

(d) Sixty-six.

(e) Thirty, of whom four are holding posts in an officiating capacity.

(f) Twenty.

(g) Sixteen.

CONDITION OF QUARTERS ALLOTTED TO THE STAFF OF THE CENTRAL PUBLICATION BRANCH.

248. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is it a fact that the quarters allotted to the staff of the Central Publication Branch, Government of India, were condemned by the Public Works Department as being unfit for residential purposes ?

(b) If so, why were condemned quarters allotted to the staff ?

(c) What is the general sanitary condition of the locality and the condition of the quarters ?

(d) How many amongst the permanent staff have gone on leave for three days or longer periods in the course of the last six months ?

THE HONOURABLE MR. D. G. MITCHELL : (a) No. The quarters are admittedly in a bad condition but they are still useful and are in demand.

(b) Does not arise.

(c) The locality is healthy except during the malarial season which, in Delhi, is of short duration. As regards the condition of the quarters, I would invite the Honourable Member's attention to the reply given to part (a) above.

(d) Ninety-seven.

PERSONAL PAY GRANTED TO THE STAFF OF THE DIRECTOR GENERAL, POSTS AND TELGRAPHS.

249. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Is it a fact that the staff of the Director General, Posts and Telegraphs, were granted some personal pay to be absorbed in future increments on transfer of the said office from Calcutta to Delhi ?

(b) If so, what are the reasons that prompted Government to grant the personal pay ?

(c) Is it a fact that the staff of the Central Publication Branch sent a memorial to Government for some advance increment to be absorbed in future increments ?

(d) Is it a fact that the said memorial was rejected ?

(e) Do Government propose to review the matter ?

THE HONOURABLE MR. D. G. MITCHELL : (a), (c) and (d). Yes.

(b) There were no special considerations underlying this particular concession. The considerations underlying all the concessions then given will be found on page 341 of Volume V of the Proceedings of the Standing Finance Committee of the 16th January, 1926.

(e) No.

PROPOSED BRIDGE OVER THE MEGNA RIVER, ASSAM BENGAL RAILWAY.

250. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state how the project for building a bridge over the Megna river between Bhairab and Ashuganj on the Assam Bengal Railway now stands ? Has it been dropped or temporarily shelved ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The question of taking up the construction of the bridge referred to is now under consideration again, and the Assam Bengal Railway Administration have been asked to submit a detailed financial justification of the expenditure involved, and have also been authorised to take in hand the preparation of the design of the bridge.

**SCHEME FOR CONSTRUCTING A RAILWAY FROM CHITTAGONG TO AKYAB.**

251. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the present position of the scheme for constructing a railway line from Chittagong to Akyab? Has the work been commenced? If so, when is the work likely to be finished?

THE HONOURABLE SIR GUTHRIE RUSSELL : The Chittagong-Dohazari Branch of the Assam Bengal Railway which follows the alignment which a railway to Akyab if constructed is likely to take was opened for traffic on the 10th June, 1931. The construction of the branch line in question was justified on its own merits, as providing railway communication in a very populous tract, and it was for this reason that it was taken up and not as the first stage of a railway to Akyab or beyond. The extension of the line beyond Dohazari is not under consideration at present.

**SIGNAL, INTERLOCKING AND TELEGRAPH DEPARTMENT, ASSAM-BENGAL RAILWAY.**

252. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is there any separate Signal and Interlocking Engineers' Department in the Assam Bengal Railway? If so, what are the qualifications and experience of the Engineer?

(b) Are there any Indians in the Department? If so, how many and what posts are they holding?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) There is a combined Department for Signals, Interlocking and Telegraphs. The Signal Engineer has the following qualifications and experience :

*Qualifications.*—Certificate, the Polytechnic City and Guilds. Final, Mechanical Engineering, Division II, Associate Membership Examination, the Institution of Electrical Engineers. Member of the Institution of Railway Signal Engineers, Associate Member of the Institution of Electrical Engineers and Affiliated Member, American Railroad Association, Signal Section.

*Experience.*—Two years, Siemens Bros., London, Railway Signal Department. Three years, Bombay, Baroda and Central India Railway, as Assistant Signal Engineer and Acting Signal Engineer (Construction). Five years, Assam-Bengal Railway, as Signal Engineer.

(b) The following Indians are employed in the Department (excluding those in inferior service) :

Signal and Telegraph Inspectors	3
Assistant Signal and Telegraph Inspectors	4
Senior Apprentices under training	5

**AMOUNT PAID TO MESSRS. TATA SONS, LTD., FOR CARRYING AIR MAILS IN INDIA.**

253. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state the amount that is being paid as subsidy to Tatas for carrying air mails in India?

(b) Do Government pay any subsidy to Imperial Airways for carrying mails? If so, what is the amount?

(c) Will Government be pleased to state what are the terms of the ten-year contract with Tatas for carrying air mails in India?

**THE HONOURABLE MR. D. G. MITCHELL:** (a) No "subsidy" is paid to Messrs. Tata Sons, Ltd., for the air service operated by them, but payment is made according to the weights of mails and distances over which they are carried, according to an agreed schedule of charges.

(b) No.

(c) The service is a weekly one in both directions with stoppages at Ahmedabad, Bombay, and Bellary. All air mail letters, postcards and packets paid with air surcharge for and from places served by this air line are given to the Company to carry except those inland air mail articles which would suffer delay in reaching their destination on account of the service being a weekly one. The Company is paid conveyance charges in the manner which I have described under part (a).

**AMOUNT OF SAVING EFFECTED BY THE ABOLITION OF THE APPOINTMENT OF DEPUTY POSTMASTER GENERAL, EASTERN BENGAL AND ASSAM RANGE.**

**254. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** Will Government be pleased to state whether there has been any saving of money by abolishing the office of the Deputy Post Master General, Eastern Bengal and Assam Range? If so, how much?

**THE HONOURABLE MR. D. G. MITCHELL:** The Honourable Member's attention is invited to the reply given in this House on the 23rd September, 1932, to part (3) of his own question No. 86.

**CONSUMPTION OF COTTON PIECEGOODS IN INDIA AND THE TEXTILE AGREEMENT BETWEEN THE BOMBAY MILLOWNERS AND LANCASHIRE.**

**255. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** (a) Will Government be pleased to state the total quantity of consumption of cotton piecegoods in India annually? What were the respective quotas of India, Japan and Lancashire in the year ending 1931-32?

(b) Will Government be pleased to make a statement regarding the textile Agreement between Lancashire and India?

(c) What are the terms of the Agreement and when is the Agreement coming into force?

(d) Has Lancashire agreed to take a definite quantity of Indian cotton?

(e) Will Government be pleased to state whether the Agreement contains provisions designed to protect the interests of the Indian cotton-growers?

(f) Has any reduction of duties been agreed to in the case of artificial silk from Lancashire?

**THE HONOURABLE MR. T. A. STEWART:** (a) The quantity of cotton piecegoods available for consumption in India during the year 1931-32, including handloom production, is estimated at about 5,150 million yards. Of this, the share of India was 4,400 million yards and those of Japan and the United Kingdom 330 and 370 million yards, respectively.

(b), (c), (d), (e) and (f). The text of the Agreement entered into between the Lancashire Delegation and the Bombay millowners has already appeared in the press.

**PUBLIC DEBT OF INDIA.**

**256. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** (a) Will Government be pleased to state the total amount of India's Public Debt? Since when has the Public Debt been incurred and why?



(b) Will Government be pleased to state the nature and the amounts of the loans raised in England and India, separately and item by item, up to 31st January, 1931 ?

(c) Will Government be pleased to state how much of the Public Debt has up to now been repaid and in what manner ?

(d) Will Government be pleased to state how much was paid to the East India Company by way of principal and interest between 1874 and 1933 ?

THE HONOURABLE MR. J. B. TAYLOR : (a) The attention of the Honourable Member is invited to the Monthly Return of Rupee Debt, which is published in the *Gazette of India*, and to Account No. 82 of the Finance and Revenue Accounts. The objects for which the Government of India have borrowed money from time to time are explained in the annual Budget Statements.

(b) and (c). The compilation of the information asked for would involve an amount of work which would be incommensurate with the value of the results secured.

(d) The whole of the debt to the stock-holders of the East India Company was paid off in 1874, so that nothing either by way of principal or interest has been paid to them since. If the Honourable Member wishes further information on the financial adjustment with the East India Company he will find them briefly summarised in paragraph 118 of the Welby Commission Report.

#### RETRENCHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT SINCE 1ST APRIL, 1933.

257. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to state whether there has been any retrenchment up to now in the Posts and Telegraphs Department since the beginning of the financial year in April last ? If so, will Government be pleased to state the number of hands so far retrenched, province by province, and how many of them were Europeans, Anglo-Indians, Indian Christians, Hindus, Muslims and Buddhists ?

(b) Has there been any retrenchment of Superintendents and of Inspectors of Post Offices ? If so, how many and in what provinces ?

(c) Will Government be pleased to state the approximate total saving so far effected by retrenchment in the Posts and Telegraphs Department ?

(d) Will Government be pleased to state why the Dacca Central Telegraph Office has been converted into a second class office ?

THE HONOURABLE MR. D. G. MITCHELL : (a) The reply to the first part is in the affirmative. As for the last part, 1,525 officials have been retrenched in the various postal circles and a detailed statement is laid on the table.

(b) The reply is in the affirmative. A statement giving the detailed information is laid on the table.

(c) Government regret that up-to-date figures are not readily available, but retrenchments carried out up to the 31st March, 1933, are expected to result in an annual approximate saving of about Rs. 80,00,000.

(d) The change was made over 20 years ago when telegraph offices used to be classified with reference to their working hours.

STATEMENT "A."

—	Euro- peans.	Anglo- Indians.	Indian Chris- tians.	Hindus.	Muslims.	Bud- dhists.	Other commu- nities.	Total.
Bengal and Assam.	..	1	..	259	62	..	..	322
Bihar and Orissa.	..	2	1	52	11	..	..	66
Bombay .	..	10	3	191	30	..	2	236
Burma. .	..	8	1	40	4	14	..	67
Central Circle	..	4	..	48	14	..	2	68
Madras .	..	3	8	63	3	..	..	77
Punjab and North-West Frontier.	2	21	1	110	100	..	8	242
Sind and Balu- chistan.	..	1	..	10	7	..	1	19
United Pro- vinces.	1	10	1	323	93	..	..	428
Total .	3	60	15	1,096	324	14	13	Grand Total- 1,525.

STATEMENT "B."

—	Superintendents of Post Offices.	Inspectors of Post Offices.
Bengal and Assam Circle . . . . .	8	3
Bihar and Orissa Circle . . . . .	2	3
Bombay Circle . . . . .	7	<i>Nil.</i>
Burma Circle . . . . .	3	<i>Nil.</i>
Central Circle . . . . .	2	5
Madras . . . . .	6	4
Punjab and North-West Frontier Circle . . . . .	4	13
Sind and Baluchistan Circle . . . . .	1	<i>Nil.</i>
United Provinces Circle . . . . .	3	1

*Note.*—The figures relate to retrenchment since the beginning of the retrenchment campaign.

**DISSOLUTION OF THE CENTRAL LEGISLATURE AND THE HOLDING OF ELECTIONS  
UNDER THE NEW CONSTITUTION.**

**258. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state whether the Central Legislature will be dissolved by the latter part of 1934 ? If so, will Government be pleased to state whether the next election will be held under the new constitution ? If not, when will the Central Legislature be dissolved ?

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :** In the absence of resort by His Excellency the Governor General to either of the alternative powers conferred upon him by clauses (a) and (b) of the proviso to section 63D of the Government of India Act, the existing Legislative Assembly would expire on the 14th January, 1934, while the existing Council of State would remain in being till the 10th February, 1936. In respect of the Assembly, His Excellency's intentions have been announced in the Message to that Chamber which the Honourable Member will find reproduced in the report of the proceedings for the 6th March, 1933. In respect of the Council of State, Government do not anticipate that occasion will arise for His Excellency to consider dissolution in 1934. I am not in a position to give any further information with reference to the concluding portions of the question.

**DETENUS IN THE DEOLI DETENTION JAIL.**

**259. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** (a) Will Government be pleased to state the total number of Bengali detenues in the Deoli Detention Camp with their names and the districts to which they belong ?

(b) Have Government made any arrangements at Deoli for the stay of the relatives of the detenues, who go there to interview the detenues ? If not, why not ?

(c) How many detenues have up till now been interviewed by their relatives at Deoli since they were removed from Bengal ?

(d) Are the detenues examined every day by any medical officer ? If not, why not ?

(e) What are the arrangements for treatment of the detenues at the Deoli Detention Camp ?

(f) Is there any contractor for supplying rations to the detenues suitable to the taste of the Bengalis. If so, what is the name of the contractor ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) There are at present 388 detenues in the Deoli Detention Jail. It would not be in the public interest to give their names.

(b) No. When assistance is applied for it is secured through local contractors.

(c) Three.

(d) No, because it is unnecessary. Regular visits are paid to each camp by the medical staff.

(e) There is a well equipped hospital for the medical treatment of detenues under a retired civil surgeon with a staff of one assistant surgeon, three sub-assistant surgeons and seven compounders. The Chief Medical Officer in Rajputana is also in visiting charge of the jail hospital.

(f) Yes. I do not propose to publish the name of the contractor.

**REFUSAL BY MR. VALLABHAI PATEL, STATE PRISONER, OF THE CONDITIONAL RELEASE OFFERED HIM FOR THE PURPOSE OF ATTENDING HIS BROTHER'S FUNERAL.**

**260. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** (a) Will Government be pleased to state whether the Bombay Government refused of its own accord to release Mr. Vallabbhai Patel for performing funeral rites of his brother ?

(b) Were the Government of India consulted in the matter ?

(c) If the answer to (b) is in the affirmative, what was the advice given by the Government of India ?

**THE HONOURABLE MR. M. G. HALLETT :** (a), (b) and (c). I would refer the Honourable Member to the press communiqué issued by the Director of Information, Bombay, on the 10th November, 1933, from which he will observe that Mr. Vallabbhai Patel refused the conditional release offered him by the Bombay Government for the purpose of attending his brother's funeral. The Government of India were informed of the action that the Local Government proposed to take and concurred.

**REFUSAL OF THE BOMBAY GOVERNMENT TO ALLOW THE CREMATION OF THE BODY OF MR. VITHALBHAI PATEL AT CHOWPATTI.**

**261. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** (a) Was the Bombay Government's refusal to allow the cremation of the body of Mr. Vithalbhahi Patel at Chowpatti effected in consultation with the Government of India ?

(b) If the answer to (a) is in the affirmative, will Government state the reasons for their attitude ?

**THE HONOURABLE MR. M. G. HALLETT :** (a) No.

(b) Does not arise.

**AGREEMENT ENTERED INTO BETWEEN THE LANCASHIRE DELEGATION AND THE BOMBAY MILLOWNERS.**

**262. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** (a) Has the attention of Government been drawn to the opposition to the so-called pact made by a few cotton millowners of Bombay with the representatives of the Lancashire millowners ?

(b) Was the pact made with the consultation of or at the instance of Government ?

(c) If the answer to (b) is in the negative, will Government be pleased to make a statement of its position in the matter ?

**THE HONOURABLE MR. T. A. STEWART :** (a) Government are aware that the Agreement referred to has not met with the entire approval of a certain section of the textile industry in India.

(b) No, Sir.

(c) The Honourable Member is referred to the Government of India, Commerce Department press communiqué, dated the 17th August, 1933, and to Sir Joseph Bhore's letter, dated the 25th October, 1933, to Sir William Clare Lees, Chairman of the United Kingdom Textile Delegation, copies of which are in the Library.

**THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY :** Is it not a fact that the pact was entered into not by the Bombay millowners alone but by a large number of millowners who were consulted and they all combined in bringing about this arrangement with the Lancashire representatives ?

**THE HONOURABLE MR. T. A. STEWART :** The Honourable Member is I think correct. The Agreement was between the Millowners' Association, Bombay and the Lancashire Delegation. The Millowners' Association, Bombay, has amongst its membership very many upcountry mills.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** May I know if all the millowners were consulted or only the Bombay Millowners' Association ?

**THE HONOURABLE MR. T. A. STEWART :** I must refer the Honourable Member to the Association in question. The Government of India was no party to the Agreement and has no information as regards the details of the negotiation.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Will the Government give an opportunity to other millowners of India before accepting the Agreement made by the Bombay Millowners' Association ?

**THE HONOURABLE THE PRESIDENT :** The Honourable Member need not answer that question.

#### STERLING LOAN.

**263. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to make a statement regarding the policy that prompted them to raise the new Sterling Loan of £10 millions bearing interest at the rate of 3½ per cent. per annum, information whereof was given in the press communiqué of the Controller of Currency issued from New Delhi on the 7th November, 1933 ?

**THE HONOURABLE MR. J. B. TAYLOR :** The loan was raised with a view to replace the outstanding balance of £10 million 6 per cent. sterling bonds, 1933-34, and to improve our sterling resources generally at a time when the monetary conditions in London were highly favourable.

#### ATTENDANCE OF AND PARTICIPATION IN THE DELIBERATIONS OF THE INDIAN TRADE UNION CONGRESS BY RAILWAY EMPLOYEES.

**264. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :** Will Government be pleased to state whether the railway employees are allowed to attend and participate in the deliberations of the Indian Trade Union Congress ? If not, why not ?

**THE HONOURABLE SIE GUTHRIE RUSSELL :** I would refer the Honourable Member to rule 23 of the Government Servants' Conduct Rules which applies to railway employees who are Government servants.

**NUMBER OF RAILWAY EMPLOYEES' ASSOCIATIONS RECOGNISED BY GOVERNMENT.**

**265. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** How many Railway Employees' Associations have been recognised by Government and the authorities of the Railways and where are they located ?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** The Honourable Member is referred to the information laid on the table by Mr. P. R. Rau, on the 31st August, 1933, in the Legislative Assembly, in reply to part (c) of starred question No. 1219 asked by Mr. B. N. Misra on the 12th April, 1933.

**COMMUNICATIONS RECEIVED FROM RAILWAY EMPLOYEES' ASSOCIATIONS ON THE SUBJECT OF RETRENCHMENT.**

**266. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** Have Government received any applications from any of the Railway Employees' Associations protesting against the present policy of retrenchment? If so, from which Associations and from which departments of the Railways ?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** I lay on the table a statement giving particulars of communications received by the Railway Board from Railway Employees' Associations in the matter in so far as is readily available from records in the office of the Railway Board.

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*Statement showing the details of communications received from Railway Employees' Associations on the subject of Retrenchment.*

From whom received.	Nature of communication received.
Great Indian Peninsula Railway Staff Union, Bombay.	Telegram, dated the 27th February, 1931, protesting against the retrenchment of Indian ticket collectors on the Great Indian Peninsula Railway.
Great Indian Peninsula Railway Staff Union, Bombay.	Letter, dated the 28th February, 1931, on the subject referred to in its telegram of 27th February referred to above.
National Union of Railwaymen of India and Burma.	Telegram, dated the 2nd March, 1931, protesting against the retrenchment of subordinate staff on the Great Indian Peninsula Railway.
National Union of Railwaymen of India and Burma.	Letter, dated the 3rd March, 1931, on the subject referred to in its telegram of 2nd March, 1931.
Bombay, Baroda and Central India Railway Employees' Union.	Letter of the 5th March, 1931, protesting against retrenchment on all Railways.
Great Indian Peninsula Railway Staff Union, Poona.	Telegram of the 10th March, 1931, protesting against the Commercial Division, Poona, Great Indian Peninsula Railway.
All-India Railwaymen's Federation .	Telegram, dated the 17th March, 1931, asking for suspension of all retrenchment of staff.
North Western Railway Union .	Letter, dated the 19th March, 1931, protesting against retrenchment, with particular reference to methods employed in retrenchment.
North Western Railway Union .	Letter, dated the 19th March, 1931, protesting against retrenchment on all Railways.
Bengal and North-Western Railwaymen's Association.	Letter, dated the 24th March, 1931, protesting against retrenchment on the Bengal and North-Western Railway.

*Statement showing the details of communications received from Railway Employees' Associations on the subject of Retrenchment—contd.*

From whom received.	Nature of communication received.
National Union of Railwaymen of India and Burma.	Letter, dated the 25th March, 1931, protesting against the general methods of retrenchment on Railways with particular reference to retrenchment on the Great Indian Peninsula Railway.
National Union of Railwaymen of India and Burma.	Letter, dated the 25th March, 1931, on the subject referred to in its letter of the same date referred to.
East Indian Railway Union	Telegram, dated the 27th March, 1931, protesting against retrenchment on Railways.
National Union of Railwaymen of India and Burma.	Telegram, dated the 27th March, 1931, protesting against retrenchment on Railways.
National Union of Railwaymen of India and Burma.	Letter, dated the 27th March, 1931, protesting against retrenchment on Railways.
All-India Railwaymen's Federation	Letter, dated the 28th March, 1931, criticising the policy of retrenchment on Railways and asking the Railway Board to meet them to discuss the subject at a special meeting.
Anglo-Indian and Domiciled European Association.	Letter, dated the 30th March, 1931, protesting against the retrenchment with particular reference to retrenchment of Anglo-Indian staff on the Great Indian Peninsula Railway.
Sikh Association, Rawalpindi	Letter, dated the 7th April, 1931, asking for the protection of Sikh employees employed in the Accounts Branch of the North Western Railway in connection with the retrenchment.
Anglo-Indian and Domiciled European Association.	Letter, dated the 24th April, 1931, protesting against the retrenchment of Anglo-Indian employees of the Great Indian Peninsula Railway.
Anglo-Indian and Domiciled European Association.	Telegram, dated the 30th April, 1931, protesting against the retrenchment of Anglo-Indians on Railways.
All-India Railwaymen's Federation	Letter, dated the 28th June, 1931, forwarding a copy of Resolutions passed by the Federation protesting retrenchment of staff on all Railways.
East Indian Railway Union, Dinapore	Letter, dated the 1st November, 1931, protesting against general retrenchment on Railways.
Bombay, Baroda and Central India Railway Employees' Union.	Letter of 11th January, 1932, protesting against the policy of retrenchment on Railways.
South Indian Railway Central Labour Union.	Letter, dated the 21st February, 1933, protesting against retrenchment on Railways.
Kanchrapara Railway Workers' Union.	Letter, dated the 15th May, 1933, protesting against retrenchment in the Eastern Bengal Railway Workshops.
Sikh Gurudwara Managing Committee	Letter, dated the 14th April, 1933, praying for the cancellation of retrenchment in the Bengal Nagpur Railway Workshops, Khargpur.
Bengal Nagpur Railway Indian Labour Union.	Letter, dated the 3rd May, 1933, protesting against retrenchment in the Bengal Nagpur Railway Workshops, Khargpur.
Madras and Southern Mahratta Railway Employees' Union.	Letter, dated the 7th May, 1932, protesting against retrenchment on all Railways.

**NUMBER OF CASES ASSESSED UNDER SECTION 23 (4) OF THE INDIAN INCOME-TAX ACT IN THE Dacca DISTRICT.**

267. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**  
Will Government be pleased to state the number of cases assessed under section 23 (4) of the Indian Income-tax Act, in the district of Dacca in the year 1932-33 and the total number of petitions filed under section 27 during the same year and the total number of cases reopened ?

**THE HONOURABLE MR. J. B. TAYLOR :** The number of cases assessed under section 23 (4) of the Indian Income-tax Act in the Dacca district in 1932-33 was 227. The total number of petitions filed under section 27 during that year was 104 and the total number of cases reopened 31.

# NUMBER OF SALT WORKS IN INDIA.

**268. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**  
(a) Will Government be pleased to state the number of salt manufacturing works in India ?

(b) How many of them are being conducted by Government and how many by private concerns ?

(c) How many salt manufacturing works are there in Aden ?

(d) Are all of them run by Indians ?

(e) If not, how many of them are purely Indian concerns and how many of them are European concerns ?

(f) Is there any Italian concern manufacturing salt in Aden for India's consumption ?

(g) What is the quantity of salt manufactured in Aden ?

**THE HONOURABLE MR. J. B. TAYLOR :** (a) and (b). According to the latest information available, there are 676 salt works in India, of which 18 are conducted by Government and 658 by private individuals or concerns.

(c) Five.

(d) and (e). Three are Indian concerns and one is a European (Italian) concern. The fifth, namely, the Arab Salt Works, is also presumably Indian (but not mainland Indian).

(f) Yes, there is one.

(g) The quantities manufactured by the four principal works in the eight years 1924—1931 are given below. The figure of output of the Arab Salt Works, which is small, is not on record.

Year.	Quantity produced. Tons.
1924 . . . . .	1,73,196
1925 . . . . .	1,82,314
1926 . . . . .	1,88,269
1927 . . . . .	1,76,631
1928 . . . . .	2,15,613
1929 . . . . .	2,38,536
1930 . . . . .	2,06,754
1931 . . . . .	2,85,459

# QUANTITY OF SALT IMPORTED FROM EUROPEAN COUNTRIES.

**269. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**  
(a) Will Government be pleased to state the quantity of European salt imported into India up till the month of November since January, 1933 ?

(b) What is the total quantity of salt manufactured in India by Government and in which salt works was this quantity manufactured ?

(c) Will Government be pleased to state the respective quantities manufactured by each salt works in India ?



**THE HONOURABLE MR. J. B. TAYLOR :** (a) The total quantity of salt imported into British India from European countries during the period 1st January to 30th September, 1933, was 10,87,543 maunds. The figures for October and November are not yet available.

(b) and (c). A statement is laid on the table covering the same period. It is not possible to furnish information in the detail required since there are about 700 factories.

Name of salt works or area of manufacture.	Quantity of salt manufactured during the period 1st January to 30th September, 1933.
	Maunds.
<i>Northern India Salt Revenue Department—</i>	
<i>Sambhar</i> . . . . .	70,14,826
<i>Pachbadra</i> . . . . .	5,92,172
<i>Didwana</i> . . . . .	1,94,886
Total Rajputana	78,01,884
<i>Khewra</i> . . . . .	20,26,767
<i>Warcha</i> . . . . .	4,98,900
<i>Kalabagh</i> . . . . .	2,63,040
Total Salt Range	27,88,707
<i>Jatta</i> . . . . .	2,43,080
<i>Bahadur Khel</i> . . . . .	1,00,539
<i>Karak</i> . . . . .	20,594
Total Kohat	3,64,213
<i>Mandi</i> . . . . .	70,330
<i>Sultanpur Salt Works</i> . . . . .	11,708
<i>Internal Branch</i> . . . . .	87,951
Total Northern India	1,11,24,793
<i>Madras—</i>	
<i>Ganjam</i> . . . . .	7,84,134
<i>Naupada</i> . . . . .	16,06,823
<i>Penuguduru</i> . . . . .	12,27,850
<i>Chinnaganjam</i> . . . . .	10,51,450
<i>Krishnapatam</i> . . . . .	16,75,579
<i>Madras Depot</i> . . . . .	3,65,659
<i>Cheyur</i> . . . . .	14,78,466
<i>Tranquebar</i> . . . . .	3,55,179
<i>Adirampatnam</i> . . . . .	6,28,740
<i>Vattanam</i> . . . . .	1,22,148
<i>Tuticorin</i> . . . . .	27,37,914
Total Madras	1,20,33,942

Name of salt works or area of manufacture.	Quantity of salt manufactured during the period 1st January to 30th September, 1933.
<i>Bombay—</i>	Maunds.
<i>Kharagoda</i> . . . . .	30,33,800
<i>Dharsana</i> . . . . .	4,00,913
<i>Maroli</i> . . . . .	19,712
<i>Bassein</i> . . . . .	11,94,391
<i>Rai</i> . . . . .	11,23,650
<i>Trombay</i> . . . . .	6,81,613
<i>Bhandup</i> . . . . .	4,03,319
<i>Dadar</i> . . . . .	5,74,832
<i>Belapur</i> . . . . .	7,50,981
<i>Shewa</i> . . . . .	12,24,140
<i>Uran</i> . . . . .	7,30,127
<i>Karanja</i> . . . . .	3,64,957
<i>Pen</i> . . . . .	2,30,838
<i>Shiroda</i> . . . . .	26,865
<i>Sanikatta</i> . . . . .	78,687
Total Bombay	1,08,38,825
<i>Sind—</i>	
Government Salt Works . . . . .	4,376
Grax Salt Works . . . . .	5,14,876
Star Salt Manufacturing Works . . . . .	60,678
Laxmi Salt Works . . . . .	2,36,896
Nussarwanjee Salt Works . . . . .	1,35,844
Gulbai Salt Works . . . . .	1,08,096
Darwari Salt Deposit . . . . .	26,202
Edulee Dinshaw Salt Works . . . . .	56,468
Total Sind	11,43,436
<i>Burma—</i>	
Akyab District . . . . .	2,845
Kyaukpyu District . . . . .	37,622
Sandoway District . . . . .	..
Hanthawaddy District . . . . .	3,869
<i>Bassein</i> . . . . .	79,336
<i>Myaungmya</i> . . . . .	..
<i>Thaton</i> . . . . .	6,499
<i>Amherst</i> . . . . .	6,96,001
<i>Tavoy</i> . . . . .	48,697
<i>Mergui</i> . . . . .	17,677
Total Burma	8,92,546
GRAND TOTAL	3,60,33,542

*Note 1.*—Figures for the months of October and November, 1933, are not yet available.

*Note 2.*—Quantities shown against items italicized were manufactured by Government.

## IMPORTS OF PORT SAID, ETC., SALT INTO THE CALCUTTA MARKET.

270. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Are Government aware that four large salt works, at Port Said, Massowah, Ras Hafun and Assab are trying to dump their products in the Calcutta market, the two latter with the help of their Government ?

(b) If the answer is in the affirmative, what steps do Government propose to take to prevent the threatened dumping ?

THE HONOURABLE MR. J. B. TAYLOR : (a) No. On the contrary there have been no imports of Port Said, Massowah or Assab salt into Calcutta in the first nine months of the calendar year 1933, while imports from Ras Hafun have diminished considerably, the quantity imported in the nine months January to September, 1933, being only three lakhs of maunds compared with nearly 13½ lakhs of maunds imported in the corresponding period of 1931.

(b) Does not arise.

## ANNUAL CONSUMPTION OF KHEWRA SALT IN THE CALCUTTA MARKET.

271. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state the quantity of consumption of Khewra and Pachbadra salt in the Calcutta market ?

(b) Have Government given any licence to any Bengali concern or concerns to manufacture salt in Bengal ? If so, who are they ? Are their products available in the Calcutta market ?

THE HONOURABLE MR. J. B. TAYLOR : (a) The normal annual consumption of Khewra salt in the Calcutta market, i.e., Bengal and Assam zone, is 10,000 maunds. No salt is imported into this market from Pachbadra.

(b) Yes. The following Bengali concerns have been granted temporary permits for the manufacture of salt on an experimental basis :

- (1) The Bengal Salt Manufacturers' Association.
- (2) The National Salt Manufacturing Co., Ltd.
- (3) The Premier Salt Manufacturing Co., Ltd.
- (4) Babu Binoy Krishna Banerjee.
- (5) Babus R. C. Dutt and S. P. Guha.

The Premier Salt Manufacturing Company alone has actually manufactured salt and their outturn is available in the Calcutta market, a part of it having been sold already.

## PRESENT POSITION OF THE SALT INDUSTRY.

272. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Will Government be pleased to state the present condition of the salt industry in India ?

(b) Has the Salt (Additional Import Duty) Act, 1933, given any impetus to the Indian salt industry? If so, will Government be pleased to give some facts and figures about this?

(c) What is the effect of the Salt (Additional Import Duty) Act, 1933, on the Indian salt industry?

THE HONOURABLE MR. J. B. TAYLOR: (a), (b) and (c). I would refer the Honourable Member to the report by the Central Board of Revenue on the working of the Salt (Additional Import Duty) Act during the period 1st January, 1933 to 30th September, 1933, a copy of which has been placed in the Library of the Council and another copy of which I will send to him personally.

DELAY IN THE DELIVERY OF THE CALCUTTA MAILS AT DACCA.

273. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government be pleased to state why the *dak* from Calcutta was not delivered at Dacca on the afternoon of the 15th November, 1933?

(b) Was the India General Steam Navigation Company's steamer carrying mails from Calcutta late in reaching Narayanganj? If so, by how many hours and why?

(c) Is it a fact that the steamer carrying the Calcutta mail generally reaches Narayanganj at 1 P.M. and that the Calcutta *dak* is delivered at Dacca by about 4 or 4-30 P.M.?

(d) Is it a fact that the steamer carrying mails from Calcutta reached Narayanganj at 2-30 P.M. on the 15th November, 1933? If so, will Government be pleased to state why arrangements could not be made either by the postal authorities or the railway authorities for the despatch of the mail bags from Narayanganj station to Dacca even within a couple of hours of their arrival at Narayanganj?

(e) Who was or were responsible for the delay and non-delivery of the Calcutta mail at Dacca on the 15th November, 1933?

(f) Is it a fact that the arrival at Narayanganj of the British soldiers who are to be billeted at Dacca, was mainly responsible for the delay and non-delivery of the Calcutta mail at Dacca on the 15th November, 1933?

(g) When did the Calcutta mail reach Dacca on 15th November, 1933?

(h) If the India General Steam Navigation Company's steamer carrying the Calcutta mail was found to be late in arrival at Narayanganj on the 15th November, 1933, for no fault of Government, will Government be pleased to state whether they will impose any penalty on the Company for causing such inconvenience to the public?

THE HONOURABLE MR. D. G. MITCHELL: (a) The Calcutta mails reached the Dacca Post Office on the 15th November, 1933, at 17-30 hours when it was too late to issue them for delivery. I may mention that I am giving standard time throughout this answer.

(b) The steamer carrying the Calcutta mail reached Narayanganj at 13-20 instead of 12-00 mid-day. The exact cause of delay is not known but unusually heavy military traffic seems to have, at least, contributed to it.

(c) The scheduled time of arrival of the steamer at Narayanganj is 12-00 (mid-day), and the mail is usually delivered at Dacca at about 16 hours in the afternoon.

(d) No; the steamer arrived at Narayanganj at 13-20. The Calcutta mails connected as usual with Eastern Bengal Railway No. 7-Up Train by which they are conveyed to Dacca, but the train was late in starting; the question of making any special arrangement for the conveyance of mails from Narayanganj to Dacca did not arise.

(e) The delay and non-delivery of the Calcutta mails at Dacca on the 15th November were caused by the late arrival of Eastern Bengal Railway No. 7-Up Train at Dacca.

(f) I have explained the delay in reply to parts (b) and (e).

(g) The Calcutta mail reached the Dacca Railway Station at 16-55 hours and the Dacca Head Post Office at 17-30 hours.

(h) The question whether the Company is liable to pay any penalty in this case is under reference to the Postmaster-General, Bengal and Assam.

TERMS OF THE CONTRACT BETWEEN GOVERNMENT AND THE INDIA GENERAL STEAM NAVIGATION COMPANY FOR THE CARRYING OF THE CALCUTTA MAILS FROM GOALUNDO TO NARAYANGANJ.

274. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Will Government be pleased to state the terms of contract between them and the India General Steam Navigation Company for carrying the Calcutta mail from Goalundo to Narayanganj ?

(b) Have Government ever received any application from any Indian steamer company regarding the carrying of mails from Goalundo to Narayanganj ? If so, how have they disposed of the matter ?

(c) Is the Royal mail carried by any Indian company either by bus or steamer, in any part of Bengal ? If so, where and what is the name of the company and the terms of the contract ?

THE HONOURABLE MR. D. G. MITCHELL : (a) The service between Narayanganj and Goalundo is a daily one in both directions with stoppages at intermediate stations. The Company have to carry safely all the mails made over to them by an authorised agent of the Posts and Telegraphs Department within the stipulated time, and the service is paid for at a rate which has been agreed upon between the Company and the Secretary of State. The Company are also liable to pay a penalty if they fail to complete the journey between Narayanganj and Goalundo and *vice versa* within the prescribed time, unless the delay is due to circumstances over which the Company have no control.

(b) No.

(c) There is no Indian company carrying mails by steamer in any part of Bengal. A statement shewing the particulars asked for in respect of motor mail services in Bengal is laid on the table. The Contractors have to execute agreements in the standard forms prescribed by the Department, copies of which have been placed in the Library of the House.

*Statement showing the motor services in Bengal on which mails are carried by Indian firms.*

1. Calcutta General Post Office and town sub-offices.	The Garage (Calcutta) Ltd., Calcutta.
2. Belgharia-Kanchrapara . . . .	D. G. Engineering and Co., Calcutta.
3. Chuadanga-Jhenidah . . . .	Pal Bros. Motor Service, Jhenidah.
4. Chuadanga-Meherpur . . . .	Mr. S. C. Biswas, Meherpur.
5. Jessore-Simakhali Jessore-Keshabpur	M. N. Kundu Bros., Jessore.
6. Majdia-Kotchandpur . . . .	Pal Bros. Motor Service, Majdia.
7. Jessore-Jhenidah Jessore-Shibnagore .	Mr. A. K. Datta, Majdia.
8. Tamluk-Panskura . . . .	East India Transport Co., Tamluk.
9. Chandrakona Road R. S. Ghatal . . .	} Jack Paul and Sons., Chandrakona.
10. Belda-Contai . . . .	
11. Bankura-Ranigunge . . . .	K. M. Dass Bros., Bankura.
12. Andal-Ukhra . . . .	Mr. A. B. Sen, Ukhra (Burdwan).
13. Berhampore-Kandi . . . .	Mr. N. C. Mukerjee, Berhampore (Bengal).
14. Hili-Balurghat . . . .	Messrs. Balwant Singh Hazra Singh and Harnam Singh, Balurghat.
15. Nilphamari-Nilphamari R. S. . . .	Tarapada Majumdar, Nilphamari.
16. Rangpur-Mahiganj . . . .	Mr. Jugal Meah, Rangpur.
17. Pabna-Ishurdi . . . .	Pabna-Biswas Motor Service Ltd., Pabna.
18. Faridpur-Faridpur R. S. . . .	Messrs. K. C. Guha and B. C. Mitra, Faridpur.
19. Santahar-Naogaon-Balihar . . . .	Mr. D. P. Thakur, Naogaon.
20. Dacca Head Office-Dacca R. S. . . .	Mr. N. C. Gupta, Dacca.
21. Jainti-Newlands . . . .	Messrs. S. C. Guha and Juthanram Kalwar, Newlands.
22. Alipur Duar-Saontalpur . . . .	M. Immanuddin Khan, Alipur Duar.
23. Maynaguri Road R. S.-Gaikhatta . . .	Afgan Motor Service, Jalpaiguri.
24. Darjeeling Head Office-Lebong . . . .	N. R. Jagooram and Sons, Darjeeling.

#### CINCHONA PLANTATIONS IN INDIA.

275. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the names of the Cinchona plantation stations in India, province by province ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The plantations are :

*Under the Government of India—*

Mergui Plantation in Burma.

*Under the Government of Madras—*

(i) Dodabetta.

(ii) Naduvattam.

(iii) Annamalai.

*Under the Government of Bengal—*

(i) Mungpoo.

(ii) Mungsong.

**HEALTH OF SUBODH KUMAR MUKHERJEA, DETENU IN THE DEOLI DETENTION JAIL.**

276. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Will Government be pleased to state the present condition of the health of detenu Subodh Kumar Mukherjea of Swamibag Road, Dacca, now confined at Deoli Detention Camp ?

(b) How long has he been in detention since his arrest ?

(c) Is it a fact that his hair is falling off and that he has been suffering from chronic baldness ?

(d) Has any medicine been prescribed for him ? If not, why ?

THE HONOURABLE MR. M. G. HALLETT : (a) His health is good and he has gained two lbs. in weight during the period he has been in the Deoli Detention Jail.

(b) Since the 30th November, 1930.

(c) He has a small patch of baldness on the right side of his head. He is not suffering from chronic baldness.

(d) Yes.

**PATENT FOR NON-SLIP FASTENINGS FOR SECURING SLEEPERS TO RAILS TAKEN OUT BY MESSRS. J. D. WRENCH AND J. C. MAHINDRA.**

277. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Is it a fact that Mr. John Dallas Wrench, Mechanical Engineer, Railway Board and Mr. J. C. Mahindra obtained a patent for non-slipping fastenings for securing railroad sleepers to rails ? If so, is it the same Mr. Wrench who is now a Member of the Railway Board ?

(b) Are Government servants allowed to take patents for articles supplied to the Department in which the officer is employed ?

(c) Will Government be pleased to state the total cost of such fastenings supplied to the Indian State Railways since 1928 ? Are those fastenings still being used by the State Railways in India ? If so, are Government officers allowed to carry on such business when they are in service ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) Yes.

(b) Government servants are permitted to patent any of their inventions.

(c) Approximately Rs. 4,000. The fitting in question was incorporated in the original designs of W. M. sleeper of which only about 7,500 were ordered, and is not now used.

**DEATH OF HARI PADA BAGCHI, DETENU IN THE DEOLI DETENTION JAIL.**

278. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Has the attention of Government been drawn to the article headed "Death of Deoli Detenu" published in the *Liberty*, dated the 25th August, 1933 ? If so, when was their attention drawn to the said article ?

(b) Has the attention of Government been drawn to the editorial comment regarding the death of detenu Hari Pada Bagchi as published in the *Amrita Bazar Patrika*, dated the 29th August, 1933. If so, when was their attention drawn to it?

THE HONOURABLE MR. M. G. HALLETT: (a) and (b). My attention had not previously been drawn to these articles.

DEATH OF HARI PADA BAGCHI, DETENU IN THE DEOLI DETENTION JAIL.

279. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Is it a fact that one Hari Pada Bagchi, son of late Sarat Chandra Bagchi of Seroil, Rajshahi (Bengal) and Anil Kumar Batabyal, son of late Prasanna Kumar Batabyal of Rajshahi, were kept in the Deoli Detention Camp under the Bengal Criminal Law Amendment Act?

(b) Is it a fact that the said Hari Pada died while kept in the said Detention Camp?

(c) If the answer to part (b) is in the affirmative, will Government be pleased to state the date when he died?

(d) What was the disease with which he was attacked as a result of which he died, and when was he first attacked? How long did he suffer from the disease; when was he removed to the Ajmer Hospital?

(e) Was the said Prafulla Chandra Bagchi informed of the illness of his brother Hari Pada? If so, when?

(f) When was the news of the death of Hari Pada Bagchi sent to the said Prafulla Chandra Bagchi and by whom?

THE HONOURABLE MR. M. G. HALLETT: (a) Yes.

(b) and (c). Hari Pada Bagchi died in the Victoria Hospital, Ajmer, on the 21st August, 1933.

(d) He was removed to hospital on the 8th August, 1933, and an operation for appendicitis was successfully performed on the 9th August, 1933. When recovering from the operation he developed bronchitis which subsequently developed into pneumonia of which he died.

(e) and (f). The information is being obtained and will be laid on the table in due course.

HEALTH OF SAROJ RANJAN ACHARYYA, DETENU IN THE DEOLI DETENTION JAIL.

280. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state what is the present state of health of detenu Saroj Ranjan Acharyya, B.A., in Deoli Detention Camp?

THE HONOURABLE MR. M. G. HALLETT: His health is good and he has gained two lbs. in weight during the past month.



## DEATH OF MR. VITHALBHAI PATEL.

**THE HONOURABLE KHAN BAHADUR MIAN SIE FAZL-I-HUSAIN** (Leader of the House): Sir, at Simla the House had to mourn the loss of Dr. Besant. Since then, India has lost another great leader: I am referring to the untimely and sad death of Vithalbhai Patel. He had a remarkable public career. His services to the local self-government of the country are evidenced by the great impression he made when he served in the Bombay Corporation as a member and then as chairman. His services to the country as a Member of the Legislature were long and meritorious. He was a Member of the old Imperial Legislative Council. He was also a Member of the Bombay Legislative Council, and since 1924 he was a Member of the Legislative Assembly. In all these institutions he took a prominent and leading part. Outside the Legislatures, he was a prominent Congressman who made his presence felt in all the committees and deliberations of that body. It was, however, as President of the Legislative Assembly that he distinguished himself and excelled himself too. His was a very striking and forceful personality. Endowed with great ability, habituated to strenuous hard work, dominated by a keen and intense desire to see his country advance rapidly, he knew no fear in fighting for his objective and displayed great resourcefulness, pertinacity of purpose and indomitable courage. His early death has cut short a great career. May his soul rest in peace.

Sir, on behalf of myself and the House, I request you to convey the deep sense of sorrow of the whole House at his untimely death to the relatives of Vithalbhai Patel.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS** (Punjab: Non-Muhammadan): Sir, I wholly associate myself with the noble sentiments that our Honourable Leader of the House has expressed on the untimely death of the Honourable Mr. Vithalbhai Patel and of his virtues and of his high character. He was a great Indian and was the first non-official President of the Legislative Assembly. He always upheld the dignity and the tradition of that House. In him India has lost a great and charming personality who loved India and did his best for her. We all mourn the loss of this great well-wisher of India.

**THE HONOURABLE MR. E. MILLER** (Bombay Chamber of Commerce): Sir, on behalf of the Non-Official European Members of this House I beg to associate myself with the remarks made by the Honourable Leader of the House.

**THE HONOURABLE THE PRESIDENT:** I also desire to associate myself with the observations which have fallen from the Honourable Leader of the House and the Honourable Members. The high tribute which the Honourable Leader of the House has paid to the deceased makes it unnecessary for me to make many remarks. There is no doubt that the deceased was a strong and forceful personality. I knew him ever since he was a Member of the late Imperial Legislative Council and this House is only concerned with the deceased's legislative career in the late Imperial Legislative Council and also in the Legislative Assembly. There, of course, he distinguished himself by his strong personality, his intimate knowledge and acquaintance with the Rules and Standing Orders and the manner in which he controlled that Assembly. I shall certainly convey the sympathy and condolence of this House to the relatives of the deceased.

## MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have  
12 Noon. a Message to convey to you from His Excellency the  
Governor General.

The Message reads thus :

### PANEL OF CHAIRMEN.

*"In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, Freeman, Earl of Willingdon, hereby nominate the Honourable Mr. Ernest Miller, a Member of the Council of State to be on the Panel of Chairmen of the said Council vice Mr. Ganpati Agraharam Annadhurai Ayyar Natesan.*

(Sd.) WILLINGDON,

The 1st December, 1933.

Viceroy and Governor General."

(The Message was received by the Council, standing.)

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### COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Honourable Members are aware that our old colleague, the Honourable Mr. G. A. Natesan, has been taken away to other spheres of activity and his resignation has made it necessary to appoint an Honourable Member in his place in the Committee on Petitions. Under Standing Order 76 I have discretion to fill this vacancy during the currency of the session and I have decided to do so. I accordingly have much pleasure in nominating, with the consent of the Members concerned, as Chairman of the Committee the Honourable Raja Charanjit Singh and in his place as a Member of the Committee the Honourable Rai Bahadur Lala Jagdish Prasad.

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### LIBRARY COMMITTEE.

THE HONOURABLE THE PRESIDENT: I have also to announce that the resignation of Mr. Natesan created a vacancy on the Library Committee. I am glad to inform the House that the Honourable Mr. Spence has accepted my invitation to fill that vacancy.

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### GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Simla Session, 1933, namely :

The Workmen's Compensation (Amendment) Act, 1933.

The Land Acquisition (Amendment) Act, 1933.

The Indian Wireless Telegraphy Act, 1933.

The Indian Income-tax (Second Amendment) Act, 1933.

The Indian Railways (Amendment) Act, 1933.

The Cotton Textile Industry Protection (Second Amendment) Act, 1933.

The Indian Arbitration (Amendment) Act, 1933.

The Murshidabad Estate Administration Act, 1933.

The Cantonments (House-Accommodation Amendment) Act, 1933.

The Indian Tea Control Act, 1933.

The Indian Merchant Shipping (Second Amendment) Act, 1933.

The Dangerous Drugs (Amendment) Act, 1933.

The Indian Medical Council Act, 1933.

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**REPORTS OF THE JOINT COMMITTEES ON THE BILL TO CONSTITUTE A RESERVE BANK OF INDIA AND ON THE BILL FURTHER TO AMEND THE IMPERIAL BANK OF INDIA ACT, 1920, FOR CERTAIN PURPOSES LAID ON THE TABLE.**

**SECRETARY OF THE COUNCIL :** Sir, I lay on the table the Reports of the Joint Committees on the Bill to constitute a Reserve Bank of India and on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Sir, the Reserve Bank Bill is not here.

**THE HONOURABLE THE PRESIDENT :** No. You will hear something about it later on.

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**STATEMENTS LAID ON THE TABLE.**

**THE HONOURABLE MR. D. G. MITCHELL :** Sir, I lay on the table the information promised in reply to question No. 48 asked by the Honourable Mr. Hussain Imam on the 20th September, 1932.

# RECOMMENDATIONS OF THE POSTS AND TELEGRAPHS ACCOUNTS ENQUIRY COMMITTEE.

Items of Recommendations.	Action taken by the Government of India.
Relief to be granted in respect of surplus and obsolete stores in stock on 1st April, 1925 (paragraphs 29 and 30 of the Committee's Report).	The recommendation has been accepted by the Government of India.
Treatment of surplus receipts arising out of the disposal of assets (paragraph 31 of the Committee's Report).	With the concurrence of the Auditor General, it has been decided that the existing detailed head "Receipts on Capital Account" is sufficient to meet all practical requirements and that no further action need therefore be taken on the recommendation of the Committee.
Enhancement of effective "lives" of Capital Assets (paragraphs 38 to 40 of the Committee's Report).	Accepted by the Government of India. Effect has been given to these recommendations in the Budget for 1933-34.
Expenditure on repairing damage due to storms, floods, accidents, etc., to be charged to Depreciation Fund (paragraph 45 of the Committee's Report).	The investigation made into the matter showed that the Committee's recommendation was already being followed.
Reconstitution of the Depreciation Fund and the Capital Account (paragraphs 70 to 74 of the Committee's Report).	The recommendations of the Committee have been accepted by the Government of India in a somewhat modified form and in the Memorandum furnished by the Auditor General in India for submission to the last Central Public Accounts Committee it was made clear that he had accepted all the decisions of the Government of India in the matter.
Equalisation of rate of interest allowed on Depreciation Fund balances with that charged on fresh capital outlay with effect from 1st April, 1925 (paragraphs 85 and 86 of the Committee's Report).	Commencing with the accounts for 1930-31, the Government of India have been allowing the same rate of interest on the Depreciation Fund balances as are being charged on capital outlay. They were unable, however, to grant retrospective effect from 1st April, 1925.
Equalisation of rates of interest charged by Railways on postal mail vans with that paid by State Railways on their own capital outlay (paragraph 90 of the Committee's Report).	It has been decided that no action is necessary at present but that arrangements should be made to observe the rates of interest charged by the Railway Departments in comparison with that paid by Railways to General Revenues.
Adoption provisionally of a percentage of 7.465 for the purpose of determining the pensionary liability of the Department (paragraphs 100, 101 and 107 to 109 of the Committee's Report).	The Government of India have accepted the percentage rate of 7.5 with retrospective effect from 1st April, 1925, and necessary adjustments were made in the accounts for 1931-32.
Reintroduction of separate revenue stamps (paragraphs 123 and 124 of the Committee's Report).	It has been decided by the Government of India to reintroduce separate revenue stamps, as a permanent measure with effect from 1st April, 1934, and orders have been issued accordingly.

Items of Recommendations.	Action taken by the Government of India.
The rates charged on inland press telegrams are neither remunerative in their results nor commercial in their basis and the Department incurs a large annual loss on this traffic. The Departments should be reimbursed this loss as measured by the estimated savings, etc., which would result if this traffic were abolished (paragraph 132 of the Committee's Report).	The Government of India have decided that the Department should normally work to a profit which will cover the loss on inland press telegrams. The Department will appropriate any smaller profit in any year towards covering in part the loss on press traffic during the year, the uncovered loss being excluded from the calculation of the cumulative deficit on which interest is payable by the Department. The profit in excess of the loss on press traffic will be taken in reduction of past cumulative interest-bearing deficit. The decision was given effect to retrospectively from 1st April, 1925, and necessary adjustments on account of the loss incurred during 1925-26 to 1930-31 were made in the accounts for 1931-32.
Reimbursement to the Posts and Telegraphs Department of the loss sustained on account of the concessional rates charged for foreign State telegrams, (paragraph 138 of the Committee's Report).	This recommendation has been accepted by the Government of India with retrospective effect from 1st April, 1925, and the loss sustained by this Department up to 1931-32 amounting to Rs. 3,60,000 has been deducted from the accumulated loss of the Department.
Prevention of the use of service stamps, included in the free grants to Indian States, for telegraph purposes (paragraphs 142 and 143 of the Committee's Report).	It has been decided by the Government of India to defer action on this matter till the constitutional issues have been settled.
Recovery of extra cost incurred on account of the retention of the departmental telegraph offices from the departments opposing their conversion into combined offices (paragraph 149 of the Committee's Report).	The Posts and Telegraphs Department has accepted the conclusions arrived at by the Committee and will give effect to them as occasion arises.
Due allowance to be made for "idle time" in preparing claims for services rendered (paragraph 166 of the Committee's Report).	It has been decided that when presenting claims to other Departments, the Bewoor time test which made due allowance for idle time should be applied.
Resort to arbitration for the settlement of inter-departmental claims (paragraph 169 of the Committee's Report).	The Government of India do not consider it necessary to supplement the existing machinery for determining inter-departmental claims.
Inclusion of certain indirect charges in claims preferred for services rendered (paragraphs 171 and 172 of the Committee's Report).	The recommendations have been accepted by the Government of India and steps have been taken to include the requisite instructions in the proper code.
Grant of various reliefs proposed with full retrospective effect from 1st April, 1925 (paragraph 183 of the Committee's Report).	The Government of India have accepted this recommendation.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I lay on the table the information promised in reply to questions Nos. 168 and 172 asked by the Honourable Mr. Mahmood Suhrawardy and the Honourable Mr. Jagadish Chandra Banerjee, respectively, on the 11th September, 1933.

### INCOME-TAX DEPARTMENT, BENGAL.

(1) and (2). Numerical strength and the number of Muslim officers in each cadre after the retrenchment in July, 1933, and the respective proportion to the total strength in each cadre in the Income-tax Department, Bengal.

	Strength before retrenchment.	Strength after retrenchment in July, 1933.	Number of Muham-madans.	Proportion to the total strength.
Assistant Commissioners of Income-tax on Rs. 1,500—100—2,000.	2	2	1	50%
Assistant Commissioners of Income-tax on Rs. 1,000—100—2,000.	3	2	..	Nil.
Income-tax Officers. . .	35	29	8	27·6%
Assistant Income-tax Officers . . .	57	19 (six of them are officiating as Income-tax Officers)	6	31·6%
Examiners of Accounts . . .		40	13	32·5%
Income-tax Assessors . . .	17	17	5	29·4%
Income-tax Bailiffs . . .	6	6*	2	40%
Ministerial . . . . .	386	386†	140	36·8%

(3) No further retrenchment in the grade of gazetted officers is in contemplation. Retrenchments in ministerial and menial grades are under consideration.

(4) and (5). No. The percentage of 45 has been fixed by the Local Government for their own offices. The Government of India have fixed no percentage for any particular community.

(6) The Government of India have issued orders that, as far as possible, retrenchment should be effected so as not to disturb the communal proportions presently existing at the time of retrenchment.

\* One post is lying vacant.

† Six posts were vacant in July, 1933.

DESIRABILITY OF INVESTING ASSISTANT COMMISSIONERS OF INCOME-TAX IN BENGAL WITH SPECIAL POWERS.

(c) (i) In Calcutta, the experiment was tried in one case but in view of certain legal difficulties, it had to be dropped. The suggestion for its adoption generally is not considered practicable. Its desirability otherwise has not been considered.

(ii) In the early stages of the organisation of the Income-tax Department, Assistant Commissioners in almost all provinces were invested with the powers of Income-tax Officers in order to make important or difficult assessments. When the department was thoroughly organised and the assessing staff well trained in their task the Assistant Commissioners were withdrawn from assessment work and confined to appellate and inspection work alone. In some cases it was found that assessment work placed a strain on the Assistant Commissioner and hampered his legitimate appellate work. The Government do not propose to invest Assistant Commissioners of Income-tax with powers of assessment as a general rule in all provinces.

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THE HONOURABLE MR. R. E. L. WINGATE: Sir, I lay on the table the information promised in reply to question No. 169 asked by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra on the 11th September, 1933.

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TRANSFER OF SRI BADRI NATH TEMPLE.

(a) and (b). The question of the management of the Badri Nath Temple has been before the Hindu public since 1929 as a result of certain proposals made by a Sub-Committee of the Hindu Religious and Charitable Endowments Committee after a special enquiry into the management of the Temple. These proposals involved an alteration of the existing scheme of management which was settled in 1899 by the High Court of Kumaon. The Government of the United Provinces examined the proposals in consultation with His Highness the Raja of Tehri who, under the present scheme, is vested with general supervisory powers. No agreement was reached and no further action was then taken on the proposals.

His Highness has expressed his willingness to make himself personally responsible for management if the temple and the village in which it stands are made over in full sovereignty to him. In the present year His Excellency the Governor of the United Provinces took steps to elicit Hindu opinion on this proposal by means of local and general enquiries and it is as a result of these enquiries that a large number of resolutions and other representations has been received from Hindu Sabhas in various parts of India, some in favour of, and some opposed to, the transfer. Owing to the great divergence of views the Government of the United Provinces have decided not to pursue the matter further at present.

(c) The present resources of the temple are utilised for worship, payment of staff and the maintenance of the buildings at Badri Nath and of a number of subordinate temples, *dharamsalas*, etc. The entertainment of important pilgrims is also a charge on the temple funds.

THE HONOURABLE SIR GUTHRIE RUSSELL: Sir, I lay on the table the information promised in reply to question No. 170 asked by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra on the 11th September, 1933.

#### NUMBER OF WAGONS WITH LAVATORIES ON THE EAST INDIAN RAILWAY.

(a) There are only nine I, II and Inter class bogie composite carriages without lavatories.

There are eight other I, II and Inter class bogie composite carriages in which the 1st and 2nd classes and two of the four Inter class compartments are provided with lavatories.

(b) These carriages were designed for suburban traffic only.

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THE HONOURABLE SIR GUTHRIE RUSSELL: Sir, I also lay on the table the information promised in reply to question No. 194 asked by the Honourable Mr. Hossain Imam on the 16th September, 1933.

#### RAILWAY CLEARING ACCOUNTS OFFICE.

Two statements giving the information asked for by the Honourable Member are laid on the table. It is regretted that the information relating to 1930-31 in respect of part (2) of the question is not available.

#### STATEMENT 1.

##### *Total expenditure of Railway Clearing Accounts Office.*

Year.	Rs.
1930-31 . . . . .	17,97,629
1931-32 . . . . .	17,98,188
1932-33 . . . . .	16,44,722

This includes the cost of Accounts, Statistical and T. Tax work and the work done for other Government departments and the Bombay, Baroda and Central India Railway, which is also a party to the Clearing Accounts Office.



## STATEMENT II.

*Statement showing total credits. Total credits due to one State-managed Railway from the other three and total debits against one State-managed Railway by the other three, for the year 1931-32 and 1932-33.*

Particulars.	North-Western Railway.		Great Indian Peninsula Railway.		East Indian Railway.		Eastern Bengal Railway.	
	1931-32.	1932-33.	1931-32.	1932-33.	1931-32.	1932-33.	1931-32.	1932-33.
	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
a) Total credits, i.e., earnings of each State-managed Railway in respect of traffic interchanged with all the railways.	2,64,53,154 4	2,42,48,368 8	5,79,61,053 3	5,90,51,535 5	8,39,15,721 3	6,81,29,948 7	1,84,99,334 10	1,85,14,717 12
b) Total debits, i.e., the amount collected on outward paid and inward to-pay traffic.	3,69,35,274 4	3,80,92,707 12	4,50,55,293 9	4,59,16,536 12	5,13,60,080 5	5,15,50,307 10	1,97,40,424 1	1,88,82,714 2
c) Total credits due to one State-managed Railway from the other three.	1,66,23,934 2	1,40,44,516 4	1,66,45,368 7	1,62,72,684 13	1,732 0	3,12,91,741 9	38,01,457 12	36,46,416 12
d) Total debits against one State-managed Railway by the other three.	2,35,18,595 15	2,36,05,702 2	1,15,23,006 1	1,08,66,871 8	2,76,34,447 14	2,53,49,412 4	63,01,437 7	54,33,373 9
e) Net payments (Dr.) or Receipts (Cr.) of the Railway.	68,94,661 13 (Dr.)	95,61,185 14 (Dr.)	51,22,357 6 (Cr.)	54,05,813 5 (Cr.)	42,72,284 2 (Cr.)	59,42,329 5 (Cr.)	24,99,979 11 (Dr.)	17,86,966 13 (Dr.)

**THE HONOURABLE MR. T. A. STEWART:** Sir, I lay on the table the information promised in reply to questions Nos. 180 and 181 asked by the Honourable Mr. Hossain Imam on the 16th September, 1933.

**RETRENCHMENT IN THE OFFICE AND WORKSHOPS OF THE PORT COMMISSIONERS,  
CALCUTTA.**

(a) Each section of the Trust being considered as a separate unit, retrenchment was carried out on the following principles :

Any men who had clearly proved themselves unsatisfactory workers were retrenched. The number so retrenched was inconsiderable. Temporary men, including men of short service who were put on no pay leave under the 1931 retrenchment scheme and who had since been recalled to duty, were retrenched. If the necessary reduction of men in each grade was not thus obtained, any man who had been promoted from a lower grade to act in a higher grade were required to revert to the lower grade. Thereafter, if necessary, the junior most men in each grade other than the lowest, were given the option either of reverting to a lower grade or of being retired. These measures usually resulted in an excess number of men in the lowest grade, and in this grade all men who had completed 25 years' pensionable service were first retired, and, if further reductions were still necessary, the junior most men were retrenched. A similar procedure was adopted as far as possible with inferior staff.

The Commissioners have throughout reserved to themselves the right to depart from this procedure whenever a departure appeared to them likely to ensure greater efficiency.

(b) The full Board of the Commissioners in meeting.

(c) Yes.

(d) Mr. J. C. Banerjee, Rai B. R. Singh Bahadur and Mr. G. L. Mehta.

**RETRENCHMENT IN THE OFFICE AND WORKSHOPS OF THE PORT COMMISSIONERS, CALCUTTA.**

(a) 495.\*

(b) (i) Europeans . . . . . 27\*

(ii) Anglo-Indians . . . . . 71

(iii) Indians . . . . . 397

(c) 69.\*

(d) Yes.

(e) (i) Europeans . . . . . Nil\*

(ii) Anglo-Indians . . . . . Nil

(iii) Indians . . . . . 19

(f) No.

(g) Does not arise.

(h) No.

\* The above figures are for the three years commencing from 1931-32.

## **ANNOUNCEMENT *RE* LAYING OF INFORMATION ON THE TABLE.**

**THE HONOURABLE THE PRESIDENT:** Honourable Members, with reference to the information which has just been laid on the table, my attention has been called to the fact that certain observations from the Chair in connection with questions asked on the 11th and 16th September last might be taken as implying that I dissent from the decision contained in my predecessor's considered ruling of the 20th September, 1932, to the effect that when the information sought in a question is still being collected on the date when the question is put, an interim answer undertaking to supply the information in due course to the Honourable Member putting the question would continue to be in order in this Council and that where an interim answer in this sense is given, it would not be necessary to lay the information on the table. I therefore desire to explain to the Council that I entirely agree with my predecessor's ruling and do not propose to introduce any general change in the practice which as he observed has been in force throughout the existence of this Council.

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## **BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.**

**SECRETARY OF THE COUNCIL:** Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 12th December, 1933.

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## **MOTION FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE ON EMIGRATION *VICE* MR. G. A. NATESAN, RESIGNED.**

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN** (Leader of the House): Sir, I move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, one non-official Member to sit on the Standing Committee on Emigration, *vice* Mr. G. A. Natesan."

It has become necessary to make this motion because of Mr. Natesan's resignation.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** With reference to the motion which has just been adopted by the Council, I have to announce that nominations for the Standing Committee on Emigration will be received by the Secretary up till 11 A.M. on Saturday, the 16th December, 1933.

## RESOLUTION *RE* RATIFICATION OF THE SILVER AGREEMENT.

THE HONOURABLE MR. J. B. TAYLOR (Additional Finance Secretary) :  
Sir, I move :

"That this Council recommends to the Governor General in Council that he do ratify the 'Memorandum of Heads of Agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru as principal producers of silver, at the Monetary and Economic Conference held in London, July 1933'."

Sir, this Council is already to a certain extent familiar with the subject-matter of this Resolution, because on a Resolution moved by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra at the Simla session in connection with the deal which was effected by the Government of India with His Majesty's Treasury in respect of the silver required for a token payment of war debt to the United States last May I took occasion to explain in answering him the policy of the Government of India in selling silver. But I will repeat it briefly again. In past years India was a country whose currency was based on silver, the silver rupee. At that time there were three main groups of currencies in the world ; some countries depended on silver, others depended on gold and others had both. Up to 1893 the majority of countries were either on a silver basis or on a bi-metallic basis, that is to say, a basis which included both silver and gold. After that there was a gradual swing away from silver and more and more countries went on to gold. But though India went on to a gold basis it still continued to use silver to a very large extent for the purposes of its internal currency. The silver rupee was the main token of exchange within the country itself. During the war this use of silver within the country necessitated very large purchase of silver outside and roughly 100 crores of rupees had to be coined during the war to meet the internal demand for currency. After the war owing to the development of the currency system, the opening of Imperial Bank branches with currency chests and various other reasons, the popularity of the note issue in India has developed to a very large extent, with the result that since the war up to now very roughly the 100 crores of rupees which were coined during the war for currency purposes have been returned to the vaults of the Government of India. The Government of India is therefore confronted with the problem of what to do with this silver. The silver reserve is quite excessive. The question was carefully examined by the Hilton Young Commission. It was examined in London and, more recently still, it was examined by the Joint Committee, of which Members of this House formed part, on the Reserve Bank Bill, and that Committee had the advantage of consulting expert witnesses from various parts of India. They came to the conclusion which had already been reached by Government that an amount of 50 crores of rupees would be roughly adequate as a reserve to meet the internal demands for the exchange of notes. This means that a large surplus has to be disposed of and I think that the international arrangements which I am now going to explain to you will to a certain extent help in its disposal and are therefore altogether to the advantage of India. India obviously had to sell, and the selling of silver owing to the fact that practically no country uses it for its currency now except China is a very difficult problem. It aroused considerable criticism from the United States of America and other producing countries. Naturally the miners who produced the silver objected very strongly to this extra amount being thrown on to the market. Also there was a certain class of theorists who, following a train of thought which I personally have not been able to follow, attributed a great part of the present

[Mr. J. B. Taylor.]

economic depression in the world to the sale of silver by the Government of India. As I have said, the Government of India have never accepted that argument. At the same time we recognized the fact that our sales of silver were raising a certain amount of hostility and we therefore took the opportunity of the World Economic Conference to put our side of the question before the representatives of the United States and the producing countries. Our side of the question was that these large purchases during the war were to a very large extent not only made from the United States—everybody is familiar with the Pittman Act under which approximately 50 crores of silver were sold to us by the United States Government—but even apart from that they were made in pursuance of a common policy during the war. We are very glad to say that the United States Government saw the force of that argument and were prepared to cooperate with the Government of India in taking off a certain amount of the silver which they realized that we must sell. That in short is the meaning of this Agreement. The Government of India are to be enabled to sell an amount not exceeding 140 million ounces in a period of four years beginning on the 1st January next, that is to say an amount roughly equivalent to 40 crores of rupee coin and we can sell that at a rate which does not exceed 35 million ounces a year, that is, a quantity of silver containing 10 crores of rupees. If we confine ourselves within these limits the Government of the United States and certain other producing Governments undertake that they will themselves purchase from their own producers an equivalent amount, thereby relieving an overburdened market of the strain of this extra offering being thrown upon it. On this basis of a 50 crores reserve and in view of the further fact that our present holding in the currency reserve is 104 crores, it means that even at present we have approximately a surplus of 54 crores, and this Agreement, by enabling us to dispose of 40 crores, will materially lighten our task and enable us without difficulty to store the remainder for the meantime in anticipation of any future expansion or demand. Also if this Agreement holds it should enable us to obtain a materially higher price than we otherwise would, and, what is more important, enable us to dispose of our stocks without injuring those who hold silver, among whom it must be remembered are the poorer classes in India who are large holders of silver as ornaments and so on. I therefore ask this Council with confidence to recommend the ratification of this Resolution, on which we may also congratulate ourselves as being the one constructive piece of work that emerged from the World Economic Conference and one clearly to the advantage of India.

THE HONOURABLE THE PRESIDENT: I would like the Honourable Member to furnish some further information to the House as it will be helpful to the debate. I would like in the first instance to know what 35 million ounces represents in rupees?

THE HONOURABLE MR. J. B. TAYLOR: Sir, 35 million ounces represent 10 crores of rupees in quantity and 140 million ounces represent 40 crores.

THE HONOURABLE THE PRESIDENT: How many rupees are now in circulation?

THE HONOURABLE MR. J. B. TAYLOR: I am sorry, Sir, I thought I had mentioned 104 crores—

**THE HONOURABLE THE PRESIDENT:** You said 104 crores are in stock. I want to know what is in circulation.

**THE HONOURABLE MR. J. B. TAYLOR:** I am afraid, Sir, that the amount of rupees in circulation is a question quite impossible to answer. The Government of India in the Finance Department at the time of the Hilton Young Commission made a careful investigation of this but the estimate was largely based on guess work. The total coinage so far has been about 650 crores and the amount in stock is 104 and re-coinage 50 crores; so, if 50 crores had been sold that would leave 450 crores in circulation. But that does not allow for the large amount which has been privately melted or exported. I think the usual estimate is that the amount of rupees in circulation in this country is somewhere between 150 and 250 crores of rupees. I am afraid it is impossible to form any closer approximation than that, and even that is a pure guess.

**THE HONOURABLE THE PRESIDENT:** I understand that this Agreement does not legally or morally bind India to sell up to that quantity? It is only the maximum quantity which India may sell.

**THE HONOURABLE MR. J. B. TAYLOR:** That is correct; it is a maximum. The Agreement means that India in no year will sell more than 50 million ounces and on an average not more than 35 million ounces.

**THE HONOURABLE THE PRESIDENT:** What is the world's production of silver now?

**THE HONOURABLE MR. J. B. TAYLOR:** I think, Sir, off-hand that this year's estimate is very roughly 150 million ounces.

**THE HONOURABLE THE PRESIDENT:** Does this 35 million include the two crores which we sold to Great Britain for payment to America for the war debt?

**THE HONOURABLE MR. J. B. TAYLOR:** No, Sir. It is specified in the Agreement that if any silver is sold as a result of any governmental transaction, it will be outside this Agreement. This refers to sales on the market. Similarly the producing Governments undertake to take an equivalent amount off the market. Inter-governmental transactions are excluded.

**THE HONOURABLE THE PRESIDENT:** Shall we receive our payments in gold or in sterling securities?

**THE HONOURABLE MR. J. B. TAYLOR:** That, Sir, is not specified in the Agreement, because, as I say, these are market transactions. The point is that the Government of India undertakes to sell not more than that on the market. What it gets for it is a matter within its own discretion. Whether it is prepared to sell in India for rupees or in London for sterling or in America for gold is a matter left entirely to its own discretion.

**THE HONOURABLE THE PRESIDENT:** Thank you.

**THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD** (United Provinces Northern : Non-Muhammadan) : Sir, it is very difficult to follow the subtleties of international financiers. The Finance Secretary has argued that the Silver Agreement is in the interests of India, whereas the United Provinces Merchants' Chamber, I understand, in a communication to the Government of India expressed doubts regarding any monetary benefit to India emerging out of the Agreement. However, I am not opposed to the Agreement. But I am of opinion that the Government should not sell silver without the previous consent of the Legislature and that the money realised from the sales of silver should go towards the gold standard reserve and not towards meeting debt obligations. I am not sure if the Government gave an undertaking to this effect in the Legislative Assembly, nor has the Finance Secretary, if I have understood him rightly, given an undertaking to this effect today.

**THE HONOURABLE MAHARAJA JAGDISH NATH RAY OF DINAJPUR** (Bengal : Nominated Non-Official) : Mr. President, Sir, if I rise to take part in the discussion on this Resolution I do not do so in any carping spirit of criticism. A matter so intricate and having a bearing on the economic position of practically the whole world cannot but be a problem of immense difficulty to the average man. And that is why to clarify my own ideas and also to help others in my position I discuss some aspects of the Agreement as I have understood them so far.

Sir, it is really a point of great gratification that in a Conference of sixty-six nations, which met under so high auspices in July of this year, India was given an important position : and although it resulted in utter failure so far as the large issues were concerned India's participation does not seem to have been altogether profitless. What I could gather from the Press reports at the time the Monetary and Economic Conference, which had been heralded with much fanfare in London, separated ultimately with nothing tangible but one or two Agreements of this nature. The Sub-Commission II of one of its Commissions must therefore be highly congratulated for having been able to arrive at an unanimous resolution on the sale and purchase of silver. It may be to the advantage of those who desire to sell silver that the producers of the same metal absorb it themselves. But, Sir, even in my first speech in the House at Simla, I felt it my duty to give expression to the feeling that runs rampant even in our country districts regarding the propriety of the sale of gold and silver. I also gave out that in spite of the Honourable Mr. Taylor's argument in favour of the quick disposal of "distress gold," I was not fully convinced. He is up again today to advocate in a way the sale of "surplus silver." I repeat, it is really very difficult for us to think with equanimity the disposal of gold and silver in stock. Moreover, as China is on a silver currency basis and as about the silver position of Spain we have no data, although I support the Resolution I cannot take full comfort in the fact that China and Spain also have entered the Agreement along with India. What is good for revolution-ridden Spain may not also be good for us ; and this strikes us all the more because, while the hoarding of silver is now deemed good for the United States of America—the chief silver-producing country—we are asked to consider it a good fortune that we are able to dispose of all available gold and silver. The position seems to be a little anomalous : it confronts us somewhat like a riddle.

However, I do not fail to note that the Agreement is only of a negative character as it binds the Government not to dispose of more than a given quantity of silver for four years from the 1st of January. There are now, I understand, 104 crores of silver coins in stock and 50 crores of rupees have

been disposed of since 1926, and from the price obtained thereof 10½ crores worth of gold was bought and put in the Currency Reserve. I agree that considering the difficult years which have been tided over with the help of the sale of silver and taking into account the replenishment of the Currency Reserve by gold, as also the interest that has been earned or saved on the proceeds, the deal was not quite a bad one. It is useless to rake up here the episode of the transaction over the token payment of the British Government's war debt to the United States of America. In any case, frankly speaking, we find it extremely hard to reconcile ourselves to the views of the Government here in the face of expert non-official opinion to the effect that the sale of surplus rupees, either today or in the near future, would involve substantial losses as "the silver was bought for coining at prices much higher than those now ruling". And I think the loss talked of here is something more real than "the book loss" referred to in Government's Memorandum attached to the Reserve Bank Bill. It is also feared that as silver commands the confidence of the mass of people the Currency Authority will have perforce to buy silver again at a higher price in the event of an unexpected demand for rupee coins. The Silver Redemption Reserve foreshadowed in the aforesaid Memorandum may however be regarded as somewhat of a safeguard against undue sales of silver.

There is, Sir, the argument that an improvement in the course of world's trade is much better a consideration than any apparent advantage with regard to silver. But he would be a very bold man who could say that this Agreement would tend to the increase of India's purchasing power. We have also heard it said that this Agreement will promote international cooperation and will in particular better our relations with the United States of America. Sir, as we are in some despair about our future, and as it is indispensable that some measures must be concerted to sell abroad our jute, cotton, oil-seeds, etc., in greater quantities and at higher prices, we live on in the distant hope that America at least will do us a good turn in a spirit of reciprocity by ordering jute in abundant quantities hereafter. But the point is still there that the sale of so-called "surplus silver" may facilitate the flight of "distress silver" also. If, however, there is any real surplus of silver, I should like it to be utilized in the best way possible to relieve the acute distress of those in the country that are suffering the most on account of the economic depression.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadian) : Sir, this being a very intricate subject, it is rather difficult for a layman like me to fully deal with the points raised by my friend, the Honourable Mr. Taylor. I do not oppose the ratification. What I wish to say is that the proceeds of the silver which the Government of India may sell under this Convention ought to be invested in gold. I do not believe in parting with bullion and investment in paper. As far as the prophesy which the Honourable Mr. Taylor has made that by adopting this Resolution there will be general rise in the prices and of silver it will have the same fate as has been the case with the recent prophesy by the Honourable the Finance Member and which time has proved to be untrue. I might mention that when the question of an embargo on the export of distress gold was being discussed in the House, the Honourable the Finance Member said that that was the right time for the agriculturists and others who held gold to sell it. Now, Sir, after a short lapse of time we find that the anticipations and the prophesy of the Honourable the Finance Member in that respect proved to be wrong. The prices of gold very much appreciated thereafter and the



[Rai Bahadur Lala Ram Saran Das.]

result was that those who sold gold then realised that if they had waited and sold the gold later they would have gained much. However, Sir, I want to press upon the Finance Department that the proceeds from sales which they might make of Indian silver ought not to be invested in paper but in bullion.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces (Central : Non-Muhammadian) : Sir, we on this side of the House are very thankful to you for putting some questions to my friend Mr. Taylor and eliciting many points which we would have asked from him. But as the Leader of the Opposition has just said, this question is very intricate and we on this side of the House are not in a position to grasp those important issues which may be involved from the international point of view. For us there are two very simple questions on which we would like my friend Mr. Taylor to satisfy us. The question that arises in our mind is whether the effect of this Agreement would be harmful or beneficial in the interests of the agriculturist.

THE HONOURABLE THE PRESIDENT : Order, order. He said that it would be helpful in maintaining stability in the country in the matter of silver prices.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I wanted to understand whether the prices of the agricultural products will rise as the effect of this Agreement and therefore I have put this question. Secondly, the point of view from which I will judge the result of this Agreement is whether, whatever the quantity of silver which has been left with the millions of people of this country will fetch higher prices or will go down still further. As my friend the Leader of the Opposition has just stated, in the case of gold the people were led to believe then that the prices of gold would still go down but what we find is that the prices have enormously increased and now the people who gave away their gold thinking that it may fetch less price, are sorry for having done so. Enormous quantities of gold have been exported. Now, what we find is that the silver is going to meet the same fate. During the last ten years, that is from 1920 to 1930, I find that about 320 crores of silver were exported every year. In 1931-32 it suddenly fell to 135 crores but I believe that was due more or less to the export of gold that the prices fell. So, Sir, these are two very pertinent questions so far as India is concerned. We all know that the great Economic Conference that met, on which India was represented, achieved nothing but this Agreement on Silver concerning the eastern countries. But, Sir, so far as the internal question of India is concerned, we would certainly like to know the policy of the Government in this matter. We are certainly of opinion that both gold and silver should be kept in stock as much as possible. America is doing the same and is hoarding as much gold and silver as she can. I do not know why, if that policy is good for that country, it should not be good for our own.

Then, Sir, Mr. Taylor referred in his speech to the Resolution that I moved in September about the sale of silver, when many questions were asked on this side of the House and my friend said that they would come up in connection with the ratification of the Silver Agreement. Sir, I would certainly lay once more emphasis on the point that I made then, that if Government is going to sell silver or give silver to America or any other country

in payment of their war debt, they must certainly take the Finance Committee into their confidence and then they ought to come for ratification before the Legislatures. That point I will certainly lay emphasis on. I shall not oppose this Resolution but shall feel gratified if my Honourable friend Mr. Taylor will give answers to the questions that I have raised for our satisfaction.

**\*THE HONOURABLE SIR KURMA VENKATA REDDI** (Madras : Nominated Non-Official) : Sir, as far as I have been able to understand the trend of the discussion in this House I find that there is no serious objection to the acceptance of this motion but that one or two questions have been raised which perhaps can be answered by me, if I may. The question has been raised whether this Agreement would in any way help us, help the agriculturists of this country, in raising the level of prices. We all know, we all deplore that the prices today are so very low indeed that utter misery prevails in this country. But unfortunately the condition of the prices has nothing to do with the gold stores or the silver stores or with the sales of these commodities. They do not depend upon these any more than upon the ratio question which has been so much trotted out in this country by persons who are in commercial circles. I think, Sir, I can claim with some authority to represent the community of agriculturists as I myself come from that community. No doubt Providence willed that I should be in some other profession, but millions and millions of my community are the tillers of the soil and are labouring in the fields. I deplore the lowering of these prices as much as anybody does. But I maintain that this policy of selling silver or gold has nothing to do with the level of prices. Sir, gold and silver have been investments in our country. Whereas in European countries they invest their monies in companies, in stocks, in gilt-edged securities, we in India have contracted the habit of investing in gold and in silver and though in our school days, in our younger days, we were told that the hoarding of gold in this country was a great calamity, recent events have shown that the hoarding of gold was not such a grave mistake at all (Hear, hear) for our people have been able to sell them at a price which they never contemplated when they bought this gold. Men who bought sovereigns at Rs. 10, Rs. 12, or Rs. 15 have been now able to sell them at Rs. 20 and more and thereby tided over the crisis with which this country has been visited of late. The lower prices of commodities is a world calamity due to this great world depression. The horrid war and the still horrid peace treaties are responsible for the present condition of the world. In no country in Europe do we find anything like satisfaction or economic happiness and the unhappiness and the depression of Europe has spread its wings over the rest of the world, and we have come under those wings because of the misery which was the result of those causes. Financiers and economists will have to devise means other than preventing us from selling our gold or silver and I do not think that any economist or financier will be able to help us in this matter by reserving gold with us and with our Government. As has been said by the Honourable Member in charge of this motion, there is a large quantity of silver in the country and I am glad that this Agreement binds only the Governments and does not prevent Indians from selling the silver that they have in their homes, and if as it is hoped this Agreement stabilises the value of silver in the world, a great service would really have been done for these poorer classes who have hoarded silver and retained silver in their homes.

[Sir Kurma Venkata Reddi.]

The next question, Sir, that I would address myself to is about the request that has been made that the Government of India might see that when this silver is sold, the money realised thereby is invested in gold. I am afraid that I cannot subscribe myself to that proposition. I am not quite sure whether it would be wise on our part, when gold is selling at Rs. 20 a sovereign to invest in gold for the day might come when these prices might be lowered. Apart from the question of losing the interest which we might naturally expect by investing this money otherwise or by discharging our debts and our obligations whereby we might be saved the need for borrowing money on which we shall have to pay interest, I should think that this investment in gold might land us in difficulties at a later stage. I should rather think that great consideration will have to be given in arriving at a conclusion whether the money that we might hereby obtain can be used either in gold or in sterling or in some other form of investment and I think we must trust the Government of India on that matter and leave it to them. It is rather difficult to prophesy in any direction. They say that to prophesy is not wise, but in matters connected with finance, prophesies are likely to go the wrong way more than in any other field.

Now, Sir, I have great pleasure in supporting this motion. I join the others in congratulating the members of the Government of India who have been able to bring about this Agreement. Members have already stated in what ways we will be benefited by this Agreement. The first and foremost, of course, is the stability of the price in silver. We have also been told that China would be profited to some extent and if that is so, certainly it ought to have our great sympathy. China, Sir, is a country which has the largest population in the world and it is an Asiatic country and a neighbour to us, and it is surprising how little trade we have with that country. It is often difficult to find out the exact statistics that show how much we export to China and how much China is importing from other countries. From a Year Book I discovered that something like 150 crores are being imported, and another Book disclosed 300 crores as the imports of that country. In any case, the imports from India are only 10 crores—the exports from India to China—and I was wondering how it was that we, living so close to China, the next best populated country in the world, while we have been trading with every other country in the world, have not been able to extend our trade relations with that country, and if by this measure we are able to assist China in the matter of stabilising their currency, in the matter of improving their trade, I think we will have a claim upon that country for an increase in the trade between that land and ourselves.

The third advantage, Sir, which has been mentioned is the international co-operation between India and other countries. I have already referred to the havoc committed by the Great War and the peace treaties, and if the world is ever to be restored at all to its normal conditions, to the conditions which it enjoyed before the war, I think the only solution lies in international co-operation and goodwill between the nations. And we, Sir, as a rising nation, notwithstanding our great ancient traditions and great ancient culture and civilization, we need more than any other the help and co-operation of other nations, and by this Agreement the Government of India have contributed in a small degree towards that international co-operation. I, for one, would join every one in the congratulations which the Finance Member rightly deserves.

Sir, I support the Resolution.

**THE HONOURABLE THE PRESIDENT :** I congratulate the Honourable Member on his excellent maiden speech in this House today.

**THE HONOURABLE MR. J. B. TAYLOR :** Sir, the last speaker has gone so exhaustively through the various advantages which will accrue to the Government of India through this Agreement and has dealt so fully with the various points in the very friendly criticism of those who found various points to criticise, that I have very little to say. There are, however, three points which I would like to pick up from Sir Kurma Reddi's speech. In the first place, the Honourable Lala Ram Saran Das said that I was prophesying a rise in the price of silver. Sir, I refuse to prophesy about anything and still less would I prophesy about silver. What I did say was that this Agreement would enable the Government of India to dispose of its silver at a higher price than it otherwise could, and in that very guarded form I think the remark is almost self-obvious. Then, Sir, he went on to allege some occasion, I do not know when, on which the Honourable Finance Member similarly indulged in a prophesy about gold. I do not know when he gave this advice to people to sell gold on the ground that it would fall later. But in any case, so far as I can remember the price of gold rose to about Rs. 31 a tola in December, 1931, and with minor fluctuations has remained there ever since. So even if that advice was given, and I have no recollection of it, I think that anybody who at that time turned an investment of gold into an investment in Government of India securities would have found that he profited very handsomely by the change.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Did not gold rise to Rs. 32 a tola and even more than that and touch Rs. 33 ?

**THE HONOURABLE MR. J. B. TAYLOR :** It may have risen slightly above Rs. 32. It is now, I think, Rs. 31-8-0, and that, in comparison with the previous price of Rs. 21, is so material a rise that I do not think these fluctuations affect the question. The main point in any case is that as regards silver this Agreement will enable not only the Government of India to sell at a higher price than it otherwise would but, much more important, that it will enable the agriculturist and other people in India who hoard silver to dispose of it if they so desire at a higher price than would have been possible otherwise. That I think has been very clearly brought out by Sir Kurma Reddi.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** I would like to know whether since this deal the price of agricultural produce has gone down ?

**THE HONOURABLE MR. J. B. TAYLOR :** I am afraid that I was not discussing the price of agricultural produce but the case of the man who wished to sell silver. I am afraid one cannot widen this discussion to cover the whole realm of currency. What we are discussing is the Agreement to sell silver and the second point raised is the method in which the proceeds should be invested. Here, Sir, I must ask this House not to confuse the issue, and here again I am particularly thankful to Sir Kurma Reddi for putting the issues

[Mr. J. B. Taylor.]

very clearly before the House. The question of selling silver is one thing and the question of the method in which the proceeds should be invested is another. We are turning what is an unrealizable asset into something realizable and the manner in which it should be invested is one which must be considered when we are discussing the manner in which the reserves of the Government of India generally should be held. That is a question which will come before this House shortly in connection with the Reserve Bank Bill. The Reserve Bank Bill provides that the currency investments of the Government of India shall be held in a certain way. If Members feel that the provision for holding gold or sterling securities or anything else is inadequate, they can raise the point in that connection. But before you can arrange your reserves you must sell something which will enable you to acquire them; and that is the stage at which I would like to leave this particular point, that is to say, to make it clear that we are selling an unrealizable asset so as to give ourselves freedom of action to dispose of the proceeds.

Finally, Sir, the Honourable Lala Mathura Prasad Mehrotra asked for the approval of the Legislature. I think that I discussed that question at considerable length when we last dealt with this question and I pointed out the two separate aspects of the question. In the first place, as regards individual transactions secrecy is essential because silver is a highly speculative commodity and it would be unthinkable that on each occasion we should come up for approval by the Legislature or a Standing Committee of the Legislature before effecting a particular deal. On the other hand, as regards the general policy there is no question of our not being willing to put our policy before the Legislature to seek its approval. That is what I am doing now with this present Resolution. One aspect of it, a much wider aspect of it will come before this House shortly in connection with the Reserve Bank Bill. In that Bill there is a provision for a certain holding of silver as a reserve and provisions for interchange of silver between the Reserve Bank and Government. In addition Government was asked by the London Committee on the Reserve Bank to examine the question of the disposal of surplus silver and the realization of the proceeds generally, and we have prepared a Memorandum on that question which is attached to the Report of the Joint Committee on the Reserve Bank Bill which is now on the table of this House. This House will be given a full opportunity then to discuss that aspect of the silver problem and the whole question of the amount of silver which it considers should be held as a reserve for the internal security of the currency.

Sir, I think that I have answered all three points and can confidently recommend this Resolution to the House.

Sir, I move.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted:

'That this Council recommends to the Governor General in Council that he do ratify the Memorandum of Heads of Agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru as principal producers of silver, at the Monetary and Economic Conference held in London, July 1933.'

The motion was adopted.

**RESOLUTION *RE* NON-RATIFICATION AND NON-ACCEPTANCE OF  
THE DRAFT CONVENTION AND RECOMMENDATION CON-  
CERNING FEE CHARGING EMPLOYMENT AGENCIES ADOPTED  
AT THE SEVENTEENTH SESSION OF THE INTERNATIONAL  
LABOUR CONFERENCE.**

**THE HONOURABLE MR. D. G. MITCHELL** (Industries and Labour Secretary): Sir, I move:

"That this Council, having considered the Draft Convention and the Recommendation concerning fee charging employment agencies adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

Sir, the Seventeenth Session of the International Labour Conference was opened on the 8th June of this year by the Chairman of the Governing Body of the International Labour Office, Sir Atul Chatterjee, who was the leader of the Indian Delegation and was at one time a Member of this House. Sir Atul's connection with the International Labour Conference began in 1919 and since then his share in its deliberations has been more than usually important, for he has held practically every high office from President downwards which it is within the power of that body to confer upon any Delegate. He has been an invaluable emissary to India. His wide knowledge of affairs—not only of Indian affairs—his moderation, his cogency and his eloquence within the Council rooms of the Conference have given him an international reputation which has been strengthened by his kindly personality in the more intimate social contacts which occur even in such an austere body as the International Labour Conference. Sir, I am sure that this House joins with me in giving our sincere thanks to Sir Atul for his great services at Geneva.

Sir, the Draft Convention we are now considering opens with a definition of fee charging employment agencies, which it divides into two classes—those which are conducted with a view to profit and those which are not conducted with a view to profit.

The first class—those which are conducted with a view to profit—are to be abolished within three years from the date of ratification and during that period are to be subject to official supervision and to have their scales of charges officially approved. No new agency of this description may be established during these three years.

The second class—*i.e.*, agencies which are not conducted with a view to profit—will have to be licensed, will have their scales of charges subjected to maximum rates and will otherwise be subject to official control.

The Recommendation which is attached to the Convention urges Members to adapt their free public employment agencies to the needs of those occupations in which recourse is often had to the services of fee charging employment agencies.

Honourable Members will see that the Convention and the Recommendation are supplementary, and taken together contemplate the establishment within three years of a system of free public employment agencies covering a large part of the industrial field. In other words, the State is very shortly to assume responsibility for the organisation of the labour market in India.

Sir, there is little likelihood of free public agencies being established or expanded to the extent contemplated by the Convention and the Recommendation within the next three years. This means that, if we ratify the Convention, we must abolish within three years all agencies which are run

[Mr. D. G. Mitchell.]

for profit, and the placing of labour will then be very largely confined to those charitable agencies which are not run for profit. There seems to be no justification for such a drastic step in India at present. We are all aware that abuses have occurred, and we shall all sympathise with any practicable scheme for preventing the exploitation of the poor labourer by dishonest and selfish men. But occasional abuse notwithstanding, private employment agencies run for profit do render useful services to the working population of India, and Government is unable to agree that they should be abolished entirely simply in order to avoid occasional abuse. Nor does Government agree that these agencies are not entitled to a reasonable remuneration for the services rendered by them. Some sympathy could be expressed for a proposal to forbid the charging of fees to labourers, but even if such a course were practicable—which is doubtful—an incomplete scheme of this kind would not be sufficient to enable us to ratify the Convention.

To sum up, the Convention and the Recommendation are too drastic and the Government ask this House to agree that they should not be accepted.

Sir, I move.

The motion was adopted.

#### RESOLUTION *RE* NON-RATIFICATION AND NON-ACCEPTANCE OF THE DRAFT CONVENTIONS AND RECOMMENDATION CONCERNING INVALIDITY, OLD-AGE AND WIDOWS' AND ORPHANS' INSURANCE ADOPTED AT THE SEVENTEENTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I move:

"That this Council having considered the Draft Conventions and the Recommendation concerning invalidity, old-age and widows' and orphans' insurance adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation."

Honourable Members will have received copies of the Conventions and of the Recommendation, and also of the Report of the Indian Delegates at Geneva, but they will pardon me if I give a brief summary of the Conventions as an introduction to my remarks. They may be divided into two groups of three, one group relating to persons employed in industrial or commercial undertakings, in the liberal professions, and to out-workers and domestic servants; the other group relating to persons employed in agricultural undertakings. Each group of three consists of a Convention relating to old-age pensions, a Convention relating to pensions for workers who become permanently incapacitated by ill-health and a Convention relating to pensions for the widows and orphans of workers. Taken altogether, the Conventions seek to set up a comprehensive insurance scheme, covering workers of almost every kind except seamen, under which the worker will secure a pension in his old age, a pension if he should become permanently incapacitated and whereby his wife and his children will receive pensions if he predeceases them. The various schemes are to be fully contributory, i.e., the periodical payments, required to build up the necessary funds, are to be shared by the employer, the employee and the State. The old-age pensions are to begin not later than the age of 65, and orphans are to be entitled to relief up to the age of 14.

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AND RECOMMENDATION CONCERNING INVALIDITY, ETC., INSURANCE.

The various pensions or allowances are to be paid on a scale sufficient to meet the essential needs of the recipient.

Such, in brief, is this very sweeping scheme. There is no doubt that it is most desirable that the scheme should be adopted in those countries where labour and financial considerations render it feasible; but my contention is that these conditions do not prevail in India just yet. It was in accordance with this view that our Delegates at Geneva took up a neutral attitude and refrained from voting in the final stages of the discussions. I do not think I need go into the scheme in greater detail in order to convince Honourable Members that it is quite unsuited to Indian conditions at present, but I desire to place before them some indication of the difficulties and the anomalies which lie in its way.

Let me take up first the administrative difficulties involved. To begin with, consider the stage where the worker is working actively. Every man will have to keep, or have kept for him, some kind of docket showing his periodical payments and those by his employers. This, in itself, will not be easy, for the vast majority of the men concerned will be illiterate and will not be fully acquainted with the contents in detail of their books. In certain highly organised industries, where the worker lives all the year round close to his work, the difficulties will perhaps only be of a routine nature; but as a special instance take the very common case in India of the seasonal factory, which works for six months in the year, closes down for the remaining six months and then re-opens again probably with a different set of workers. During the close season the workers go back to their villages, some to work as agricultural labourers, others to cultivate their own holdings. Take the case of the man who goes back and cultivates his own holding. In so far as he is a ryot he will not come under the Conventions and will not be entitled to a pension of any kind. In so far as he is a worker in a seasonal factory he will be entitled. Is he then to get half pension or is he to double his contribution? That is only an indication of one of the difficulties which will crop up in India. Take now the agricultural population. As we all know, the ryot is as poor a man as the industrial labourer. It will be a somewhat anomalous thing if the labourer drawing somewhere about Rs. 150 a year is to receive this relief whereas the poor ryot who makes no more and whose need is just as great, will receive no relief whatsoever. Many other difficulties special to India will occur if this scheme is adopted: as one instance only, take the case of the village servant who receives his remuneration from every cultivator in the village. I cannot imagine any system under which the contribution from his employers could be recovered.

Let us come to the stage where the worker has retired or is sick or dies. Small sums will have to be disbursed to millions of people scattered in every village and town in India, and an enormous staff will be needed to see that each recipient gets 16 annas in the rupee of his allowance and gets it promptly and regularly. The widow and the orphan will present special difficulties. In the absence of registration, both of marriages and of births, it is difficult to imagine a machinery which will on the one hand secure that every widow and orphan will get the relief they are entitled to, and on the other hand prevent fraud on a very large scale.

I come now to the financial aspect of the question. It would require prolonged actuarial inquiries to arrive at a working estimate of the cost involved in this scheme for India; but it will certainly cost the State and the employers and the employees between them many crores of rupees, if all the Conventions are accepted. The State at present cannot find the money,



[Mr. D. G. Mitchell.]

the employers may or may not object very strongly, but the majority of the poor employees will certainly object to having their small earnings docked for even the small amount that will be required of them. From the last census reports, I find that there are at present in India in very round figures, eight million people over 65 years of age, 26 million widows and 200 million people between the ages of 15 and 65, of whom perhaps one million will be incapacitated. I cannot find figures for fatherless children, but I make the rough guess of one for every three widows. This will give about eight million fatherless children. This makes a grand total of well over 40 millions of old people, incapacitated people, widows and orphans. However, we have to make very large deductions for the Indian States and for persons not within the scope of the Conventions. For the purposes of this very rough approximation, I make a fairly safe guess in saying that probably not less than one-eighth of the 40 millions will be in receipt of relief at any one time—that is, five millions or half a crore of people. At Rs. 5 a month or Rs. 60 a year, this works out at 30 crores of rupees a year. The real figure may be much less than this; it may be much more. But the rough calculation is enough to show that the sums involved will not be expressed in lakhs or in tens of lakhs but will certainly be expressed in crores of rupees and perhaps in tens of crores of rupees, and I submit that until the average earnings per head in India have risen a great deal above their present level, the scheme is not practicable.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan): Sir, although I am in favour of the Resolution, but I feel that the Government of India should examine the question if the time has not come when a beginning should be made with the initiation of some scheme of insurance for factory workers. It may be that a number of industrial workers may be quite ready to contribute towards pension funds or at least towards sickness insurance. I hope that the Honourable Sir Frank Noyce, whose presence here today I welcome, will be pleased to examine this question.

THE HONOURABLE SIR FRANK NOYCE (Industries and Labour Member): Sir, it may interest my Honourable friend to know that only this morning I, in consultation with the Standing Advisory Committee of my Department, which is drawn from the Members of this as well as from those of the other House, have been examining the question of sickness insurance. I can only tell him that we are going to find it an extremely difficult problem. The collection of even the scantiest material on which to base our calculations is bound to take a long time, but we shall go ahead with it, we shall consult Local Governments, we shall consult employers' organisations, and see what we can do. I must honestly confess that I am afraid we shall have to come to this House sooner or later with a statement of the immense difficulties which lie before us.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council having considered the Draft Conventions and the Recommendation concerning invalidity, old-age and widows' and orphans' insurance adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation."

The question is:

"That this Resolution be adopted."

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** Before I ask the Honourable the Leader of the House to make a statement regarding the course of public business, I might just inform the Honourable Mr. Mehrotra, in response to his query, that only the Reserve Bank Select Committee's Report was formally placed on the table this morning, copies of which have been already furnished to all the Honourable Members. I presume the Honourable Member has received it ?

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** No, Sir, I have not received it.

**THE HONOURABLE THE PRESIDENT:** I am sorry. You will be supplied with a copy of the report.

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### STATEMENT OF BUSINESS.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN** (Leader of the House): Owing, Sir, to the unexpectedly protracted nature of the debate elsewhere on the Reserve Bank Bill, the only business not included in today's agenda of which the Council will be asked to dispose before dispersing is the Tariff Bill which has been laid on the table today. The Reserve Bank Bill and the Bill to amend the Imperial Bank Act, assuming them to be passed by the other House, will be proceeded with in this Council at the commencement of the next ordinary session. In case Honourable Members think that they have been treated with a lack of consideration in being brought to Delhi for the transaction of so scanty a volume of business, I may inform them that it would in any case have been necessary to hold the present meetings of this Council for the purpose of disposing of the Tariff Bill, the early enactment of which is urgently required in the interests of the public revenues. I think, Sir, that in the circumstances Honourable Members will probably wish to be in a position to leave Delhi as soon as possible, and I would suggest that the Bill which has been laid on the table today might be taken with one day's curtailment of the normal period of notice on Saturday next.

**THE HONOURABLE THE PRESIDENT:** In view of the circumstances stated by the Honourable the Leader of the House I have decided to suspend the Standing Orders and the Rules of Business and to take up the Tariff Bill on Saturday next. As regards any amendments which Honourable Members may like to submit, I will permit them being forwarded to the Office till 5 P.M. tomorrow.

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The Council then adjourned till Eleven of the Clock on Saturday, the 16th December, 1933.



## COUNCIL OF STATE.

*Saturday, 16th December, 1933.*

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The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

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### MEMBER SWORN :

His Excellency Field Marshal Sir Philip W. Chetwode, Bart., G.C.B., K.C.M.G., D.S.O. (Commander-in-Chief).

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### QUESTIONS AND ANSWERS.

#### ELECTION OF INDIA TO THE COUNCIL OF THE LEAGUE OF NATIONS.

281. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :

(a) Is it a fact that in reply to a recent question in the Legislative Assembly concerning the League of Nations the Honourable Sir B. L. Mitter, Law Member, stated that unless the Covenant was amended it was not possible for India to get a permanent seat on the League Council ?

(b) Is it a fact that Sir Muhammad Habibullah and the Maharaja of Kapurthala who represented India at the tenth session of the League Assembly wrote in their report : " We consider that an active policy should be pursued with regard to the possibility of India being elected to membership of the Council of the League "; and added that steps should be taken on the first suitable occasion to make it known that India was to be regarded as a candidate, that it was not necessary to wait until there was a good chance of actual success, and that it would be worth while to cultivate the idea that India was an effective candidate by collecting and registering a moderate number of votes on the first available opportunity ?

(c) How far do Government consider these recommendations practicable ?

(d) Can India not be elected to one of the non-permanent seats on the League Council ?

(e) Is it a fact that in a statement which he made at Bombay on his return from Geneva Sir B. L. Mitter said that whenever the Indian Delegation made any concrete proposals, it received the warmest support from the United Kingdom and the Dominion Delegations, that, in fact, India and the other Empire Delegations formed a " most formidable united front " ?

(f) In view of this hopeful feature why has India's demand for a seat on the Council not been pressed ?

THE HONOURABLE MR. G. H. SPENCE: (a) and (b). Yes. The Honourable Member doubtless realises that the permanent seats are not filled by election and that the recommendation referred to in part (b) is, therefore, irrelevant to the reply referred to in part (a).

(c) and (d). India along with every other member of the League not having a permanent seat on the Council is eligible for election to a non-permanent seat. The attitude adopted by the Government of India with reference to the recommendation that India should seek to secure election was explained in the speech made by the Honourable the Law Member on the Resolution moved by the Honourable Sir Phiroze Sethna on the 14th July, 1930.

(e) The Honourable Member is apparently quoting from a press report which the Government of India accept as substantially correct.

(f) Government have hitherto had no occasion to reconsider the attitude adopted in the speech to which reference has been made in the reply to part (c). When occasion arises to reconsider the matter, all relevant factors will be borne in mind.

#### SANITATION AND DRAINAGE OF SUGAR FACTORIES IN THE UNITED PROVINCES.

282. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (a) Is it a fact that some of the new sugar factories that are springing up in the United Provinces generally fail to make proper arrangement for the drainage and sanitation of the factory areas and allow the molasses and other refuse to accumulate within their precincts without necessary precautions with the result that it not unoften causes the entire place to stink badly ?

(b) Is there no law requiring the factory owners to keep the factory areas clean and healthy ?

(c) If not, do Government intend to undertake some sort of legislation in this behalf ?

THE HONOURABLE MR. D. G. MITCHELL: (a) Government have no information.

(b) The Honourable Member is referred to section 9 (a) of the Indian Factories Act, 1911. The rules made by the Government of the United Provinces also provide for the maintenance of factories in a clean and sanitary condition.

(c) Does not arise.

#### STATEMENT IN HIS EXCELLENCY THE GOVERNOR OF BENGAL'S SPEECH THAT THE TERRORIST MOVEMENT WAS " ESSENTIALLY A HINDU MOVEMENT."

283. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (a) Has the attention of the Government of India been drawn to the speech of the Governor of Bengal reported to have been delivered at the St. Andrew's Day dinner at Calcutta on the night of the 30th November last in the course of which His Excellency characterised the terrorist movement as " essentially a Hindu movement " ?

(b) Do the Government of India subscribe to the above view expressed by Sir John Anderson ?

(c) If not, will they be pleased to make an announcement dissociating themselves from this view to save the Hindu community in general from a stigma ?

THE HONOURABLE MR. M. G. HALLETT : (a), (b) and (c). The Government have seen a press report of the speech, from which it appears that the Honourable Member has quoted only a portion of one sentence instead of giving the passage as a whole. The Government of India have no doubt that His Excellency the Governor of Bengal's estimate of the terrorist movement is an accurate one.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Have the Government of Bengal or the Governor of Bengal who made the statement referred to in the question tried to investigate the causes why Bengali youths take to this movement and was any representative committee ever appointed for the purpose ? If not, why not ?

THE HONOURABLE THE PRESIDENT : That is a question of an entirely new character and I am not going to allow it. You must give notice to the Honourable Member.

THE HONOURABLE RAI RAHADUR LALA JAGDISH PRASAD : Sir, I could not follow the answer to part (b).

THE HONOURABLE MR. M. G. HALLETT : Sir, I answered all three questions together, (a), (b) and (c). May I read out my answer again ?

THE HONOURABLE THE PRESIDENT : Please.

THE HONOURABLE MR. M. G. HALLETT : "The Government have seen a press report of the speech, from which it appears that the Honourable Member has quoted only a portion of one sentence instead of giving the passage as a whole. The Government of India have no doubt that His Excellency the Governor of Bengal's estimate of the terrorist movement is an accurate one".

That last sentence is a reply to part (b).

HEALTH OF DHANESH CHANDRA BHATTACHARJI, DETENU IN THE DEOLI DETENTION JAIL.

284. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to state the present condition of health of detenu Dhanesh Bhattacharji of Dacca now confined in Deoli Detention Camp ?

(b) Is it a fact that he has been suffering from leprosy ? If so, will Government be pleased to state since when he has been suffering from that disease and when was it first detected and what arrangements they have made for his treatment ?

(c) Have Government made any special arrangement for his treatment ? If so, will Government be pleased to state what progress has been observed in his condition as a result of such treatment ? If the answer to the first part of this question is in the negative, will Government be pleased to state why special arrangements have not been made for his treatment ?

(d) Will Government be pleased to state how and where he contracted the disease ?

(e) Has he been segregated from the camp in which other detenus are confined ? If not, why not ?

(f) Will Government be pleased to state the names of the doctors who are treating the detenu and whether they are recognised specialists in leprosy treatment ?

(g) Have Government received any application from the detenu's relatives for transferring him to Calcutta for treatment ? If so, will Government be pleased to state how they have disposed of the said application ?

**THE HONOURABLE MR. M. G. HALLETT:** (a) and (b), Dhanesh Bhattacharji was found to be suffering from leprosy shortly after his arrival at the Deoli Detention Jail in July last. His general health is good.

(c) to (f). It is not known how he contracted the disease. He has been given a separate room in the jail hospital and has been treated by the Medical Officer of the Jail in consultation with the Chief Medical Officer, Rajputana. So far the disease does not appear to have responded to the treatment.

(g) I have no information.

#### DISARMAMENT CONFERENCE.

**285, THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** (a) Is it a fact that a fresh disarmament conference is shortly going to be held ?

(b) If so, will India be represented on the conference ?

(c) If the answer to part (b) is in the affirmative, who will represent India ?

(d) If the answer to part (b) is in the negative, what are the reasons for it ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF:** (a) "The League of Nations Conference for the Reduction and Limitation of Armaments" assembled on October 15th and adjourned till December following the withdrawal of Germany from the League.

(b) and (c). I have no official information on the subject, but I believe that India will continue to be represented by the same representatives as before.

(d) Does not arise.

#### ELECTION OF A NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE ON EMIGRATION.

**THE HONOURABLE THE PRESIDENT:** I have to inform the House that there is only one candidate for election to the Standing Committee on Emigration, namely, the Honourable Sir Kurma Venkata Reddi. I have to declare him duly elected.

## INDIAN TARIFF (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. J. B. TAYLOR (Additional Finance Secretary) :  
Sir, I move :

"That the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, if certain Members of this House are apprehensive that the cost of bringing them here for the somewhat unexpectedly short session is not justified they can be assured that if they pass this measure they will have amply recompensed Government for any expense incurred in bringing them here and a good deal more. This measure, as is explained in the statement of objects and reasons, is designed to stop a loophole in Government revenue, a loophole which is already causing us a loss which is variously estimated from about 12 to 18 lakhs a year and which if not stopped may increase to a very much larger extent. And that loss does not only affect central revenues. It also, by substituting a foreign product for an Indian one, is adversely affecting the royalties of a Local Government. I refer, Sir, to the imports of a type of oil which is competing with the more highly taxed kerosene and other oils used for illuminants. The way in which this loophole has been opened and the method by which we propose to stop it are somewhat technical, but I think that the matter can be put briefly if I describe roughly the way in which our tariff on oil is split up. There are three main groups. First of all there is petrol, which of course is taxed much more highly than any of the others and does not come into this particular picture. Then there is the second group of oils which are used for illuminating purposes; and thirdly, there is the remainder, oils which are used as fuel for furnaces, diesel engines or other purposes. Oil for illuminating purposes is charged a specific duty which with various surcharges now amounts to 3 annas 9 pies an imperial gallon, or if produced in India, mainly in Burma, an excise duty of 2 annas 9½ pies, again including all the surcharges up-to-date. On the other hand, oil which is produced as fuel for industrial purposes or for other purposes is charged at *ad valorem* rates which work out roughly with the surcharges to various prices with a maximum of 9 pies. It is obvious that there is a very great difference between the two rates of duty and if it is possible for people to bring in an oil which can be used as an illuminant at the lower rate they will have a very large margin of profit and create a correspondingly large loss to Government. In the last three years imports of a certain type of oil which is known either as gas oil or light diesel oil have been coming into the country and it has been found that in practice this type of oil can be used as an illuminant and yet it cannot be taxed under the present tariff at the higher rate applicable to illuminants. The reason for this is somewhat technical and will require a reference to the actual tariff. Illuminants are charged under Item No. 40 of the Tariff Schedule which reads as follows :

"Kerosene; also any mineral oil other than kerosene and motor spirit which has its flashing point below one hundred degrees of Fahrenheit's thermometer by Abel's close test".

Now, Sir, this oil is not kerosene in any accepted definition of the word. Therefore it cannot come under that particular head. So the only possible head under which we could tax it at the higher rate would be the second part and unfortunately its flash point does not bring it under the definition. This enabled importers to bring in their oil at a very much lower rate, with the result



[Mr. B. Taylor.]

that the imports have increased very materially in the last two years, though imports of kerosene have fallen off to an even greater extent. The figures are very illuminating. Two years ago the imports of this type of oil were only about 800 tons. In 1932 they had risen to 28,000 and now it is estimated that they are coming in at the rate of considerably over a million gallons a month. If we assume that this oil is being used as an illuminant to displace kerosene made in Burma—and we are informed that its illuminating properties compare not unfavourably with those of the lowest variety of Burma red kerosene—the loss amounts to about a lakh a month even if we assume that only three-fourths of it is used for this purpose. If we assume that it is displacing an equal amount of kerosene, the loss would amount to about  $1\frac{1}{2}$  lakhs a month. Now, Sir, it is of course impossible to say by definite statistical inquiry how much of this is used as an illuminant or how much is used for its ostensible purpose, namely, for diesel engines. We have to use our common-sense and the common-sense assumption seems to be that since the import of this oil has increased so materially in the recent past and there is no evidence to show that there has been a corresponding increase in the number of diesel engines the probability is that it is not being consumed legitimately. On the other hand, there is a great deal of direct evidence to show that it is being used as an illuminant. There is also the fact that while the imports of this oil have risen to a million gallons a month imports of kerosene have fallen off by about three millions. Undoubtedly a large amount of that drop is to be attributed to the trade depression, but it seems obvious that substitution must be going on on a considerable scale as well.

I now turn, Sir, to the manner in which we propose to combat this evasion of taxation. The first point is this, that we must scrap this definition of “flash point below one hundred degrees of Fahrenheit”. Flash point is obviously now not in itself a complete criterion of whether the oil can be used as an illuminant or not and we have now got a particular type of lamp which can determine whether this oil is in fact an illuminant and can also determine the degree of luminosity by actual burning. This lamp is so designed as to test the burning for a certain number of hours and if the oil burns for so long and gives a flame of such and such height for that time as compared with other oils which are taxed as illuminants we have, we submit, a perfect criterion for determining that it should be taxed as an illuminant. For that reason, Sir, we are introducing a new head 40B “Mineral oil not included in Item No. 40 or Item No. 40A, which is suitable for use as an illuminant in wick lamps”. Then in clause 4 of the Bill we take power to determine the procedure whereby Customs Officers will test the illuminant by means of this lamp.

Sir, in another place a certain amount of apprehension was expressed whether this test was in fact a sound one or not and I understand that the Select Committee in the other place did see the lamp, though they were not able to test its working. However, after such inspection they were satisfied that at any rate it did furnish a reasonable basis by which this could be tested. As regards that part of the legislation therefore we may say that we have met any criticism or question as to its adequacy. The second question is how far this tax will hit the use of the new oil for its ostensible purpose, that is to say, its use in diesel engines. Here I have already explained that it is impossible to decide definitely by statistical inquiry how much is actually used as an illuminant and how much is actually used for these engines. The estimates vary from 90 per cent. and 10 to 90 per cent. and 10 the other way; but I have explained what we consider the common-sense view of the situation and the degree to which substitution of kerosene has been effected would seem to

show that a large amount, by far the larger amount, of this oil, is used as an illuminant, so that its taxation at the higher rate will not really injuriously affect those who have diesel engines. They will be able to use the oil which they used before 1930 and they will have to pay no more for it in proportion than they did then. At the same time, Sir, Government recognise that there is this theoretical criticism of the legislation, that it might adversely affect the interests of agriculturists who use diesel engines, and we have given an undertaking that we will watch carefully to see whether there is any indication of their interests being injuriously affected. As I said, we have no reason whatever to suppose that this will be the case, but we are looking at that aspect of the problem.

The position then is this, Sir, that this growing evasion is costing us from 12 to 18 lakhs a year and, if it goes on there is no reason to suppose that the loss will not materially increase further. One estimate I have is that ultimately it may possibly involve us in a loss of revenue of a crore a year. It is obvious evasion, because there can be no question whatever that the intention of the tariff was that oil used for lamps should be charged a certain rate and if oil can be brought in and in fact so used without being charged at that rate, there is a definite loss to Government revenue. For these reasons, Sir, I move that the Bill be taken into consideration.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, in order that this House may be in a position to vote rightly on this Bill, I would ask the Honourable Mr. Taylor to give us some more information on the matter than what he has given in the speech that he has just delivered when he said that the object of this Bill is to increase the revenue which is now being lost to the Government in duty on the light diesel oil that is being used. The definition of the illuminant oil as embodied in the present Bill is not exhaustive. In the olden times crude oils were used as illuminants in the sense that old pieces of rags or of cotton yarn or waste were soiled in this oil and burnt as smoky illuminant. That is done even now to a small extent, I understand, in villages where poor people cannot afford to pay the price even for the cheap kerosene oil. The Honourable Mr. Taylor has rightly mentioned that the cheapest oil now is the red Burma oil Victoria brand. This oil, of course, is used. During the course of his observations he has said that the suspicion which the people have in their mind that by the imposition of this additional duty the interest of the users of the diesel oil engine will suffer is baseless. Sir, what I wish to impress upon the Finance Department is that in these times of grave economic depression every encouragement should be given to foster industry and agriculture. The Honourable Mr. Taylor has observed that, as far as agriculture is concerned, its interests will be carefully watched whether any adverse effect is visible upon the users of the diesel engines in agricultural areas. In the other House the Honourable Finance Member observed that, as far as the crude oils are concerned and which are not used for illumination purposes there will be no additional duty and he has cited there that for instance upon the crude oil from the Attock oilfields there will be no extra duty involved. I may mention, for the information of this House, Sir, that, as far as the Attock crude oil is concerned there is a very peculiar way of assessing its price. The price now is assessed on f. o. r. Karachi price *plus* railway freight to place of sale. That way of imposition of prices is a very unreasonable and a very unfair one. Instead of the Punjab or other places in the North-West Frontier Province which are nearer to the oilfields being benefited by the existence of oilfields among them, it seems rather strange that a company should be allowed to base its price on f. o. r. price *plus* railway freight. This, Sir, is

[Rai Bahadur Lala Ram Saran Das.]

quite relevant to this point as far as it shows that in case there is increase in the price of the imported oil the Attock Oil Company will also automatically increase its prices because the price is based on the f. o. r. Karachi price *plus* railway freight to destination. Therefore, Sir, the statement of the Finance Member in the other House does not amount to much as far as the price of crude oil is concerned. Now, Sir, the Honourable Mr. Taylor has said that there will be no set-back to the diesel engine users because they will be using the same crude oil which they were using before 1930 and which oil will not be liable to any further duty. In that connection, Sir, I might say that by using the thicker sort of oil in the oil engines the life of the engine is much decreased. In case you use the better sort of oil the efficiency of the engine is better and the life of the engine increases.

Sir, the Honourable Mr. Taylor has given another argument that the imports of kerosene oil from abroad have fallen. I might mention, Sir, that by a study of the Review of Trade in India, I find that in 1930-31 kerosene oil imported by sea from foreign countries into India was 9,88,93,000 gallons; in 1931-32 it fell to 8,56,90,000 gallons; in 1932-33 it fell to 5,94,95,000 gallons. And now, Sir, in contrast with this if we see the figures of the same oil imported from Burma into India we find that in 1930-31 the import of kerosene oil from Burma was 11,37,29,000 gallons; in 1931-32 it rose to 12,04,14,000 gallons; and in 1932-33 it rose to 12,65,97,000 gallons. So, Sir, as far as the consumption of kerosene oil in India is concerned, it shows that there has been a bigger demand of kerosene oil from Burma year by year. Some time back, Sir, on the floor of this House, when the question of export duty on petrol was being considered, the Honourable Finance Member, as far as I recollect, made a remark that the Burma Oil Company and the Indo-Burma Oil Company were given the concession in order to keep down the price of the kerosene oil which was being used by the poor people at large. Then, Sir, the object of the Government was to keep down kerosene oil prices for the poor people. What we find now, Sir, is that before the recent competition in kerosene oil began in India, there was no reduction in the price of kerosene oil. The Standard Oil Company came into the field and the competition began and the price of kerosene of all grades fell very heavily. The Burma Oil Company, as they had previously compromised with the Shell Company, compromised with the Standard Oil Company, and the result was that some sort of understanding was arrived at between the Standard Oil Company and the Burma Oil Company and other subsidiary companies and the price of the oil was again raised. Then, Sir, Rumanian oil began to come into India and again the competition became keen. Notwithstanding there being a huge combination of the Burma Oil Company and the Standard Oil Company, they did their very best to keep Rumanian oil out, but certain importers, as far as my information goes, kept on and succeeded, the result was that the price of Burma Oil Company oil which then stood at Rs. 2-14-10 for four gallons in bulk was forced down to Rs. 1-14-0 for four gallons in bulk. The price, however, again rose to Rs. 2-1-0 for obvious reasons. It seems that Government patronage of the Burma Oil Company and the Standard Oil Company's huge combine resulted in raising the price again. I do not know, Sir, whether the Government of India aim at keeping the price of cheap kerosene oil low or not, but in case they do not, they ought not to encourage any sort of monopoly. They already know that there is a monopoly of petrol which is now being held solely by the Burma Oil Company. In the Shell Company's compromise with the Burma Oil Company the arrangements are that the Shell Company does not export to India even one ounce of petrol

and in return the Burma Oil Company does the same in certain other countries. But all the same, India has to pay a higher price for petrol than any other country in the world similarly situated so, as far as the poor consumer is concerned, there is no relief. In case we consider that this differential duty on kerosene oil between the Burma production and the foreign production does not bring any sort of reduction, where is the advantage of keeping that duty so low and Government sacrificing about Rs. 74 lakhs of annual revenue? Why should there be a differential duty when there is no reduction in the rate on kerosene for the poor? As far as the revenues of the Government are concerned, I think that if the Burma Oil Company, and its subsidiary companies cannot bring down the price of kerosene low enough, they are not entitled to the concession of Rs. 74 lakhs annually and of the monopoly which they are allowed to enjoy.

Sir, I may also mention that in these days of grave depression, every encouragement ought to be given to industry and agriculture. The imposition of the surcharge on the freight on coal was greatly resented by the industrialists and agriculturists. The imposition of an import duty on machinery driven by power was also resented — .

THE HONOURABLE THE PRESIDENT: Will the Honourable Member confine himself to the Bill before the Council?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: As the Honourable the President wants me to strictly confine myself to oil, I will do so. I must say that I want the Honourable Mr. Taylor to explain the details of the test by the wick lamp to which he has made a reference on the floor of this House. The explanation ought to be full as we want to know for how long that lamp has to burn brightly to give light. It may burn two minutes or it may burn five minutes or it may be smoky or give a very dim light. Until you fix some time limit, that lamp test cannot be understood, because any sort of oil will burn in a wick lamp for a certain period—it may be a minute, or half a minute or two minutes. I want him to give an assurance also as to how he will protect those industrialists and agriculturists who now use the diesel oil engine and who will suffer by the increase in this duty.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhamadan): Sir, if I cannot congratulate the Honourable Mr. Taylor on the introduction of this Bill I can certainly congratulate him on the apology he has offered for calling this session. He wanted to justify the necessity of this short session on account of the loss the Government would incur if this Bill were delayed, and the loss, he said, may be from 12 to 18 lakhs of rupees. Sir, when the experiment that Government are carrying on has not proved quite successful and when they are going to give another opportunity for their experiment I do not see that there was any necessity to hurry this measure. Taxation of this kind of oil, just like taxation of salt, is a tax which touches the poorest of the poor and such measures are only justified in times of extreme necessity. The Government ought to leave out from taxation those millions who do not get even two meals a day. Since I have come into this Council I have not found any measure by which Government want to reduce the taxation on these millions of our countrymen. Every time I find that taxation is being increased without any discrimination.

As regards the merits of the Bill, I have said that Government have not been able fully to test whether this oil is equally illuminant as the lowest type of kerosene oil and that question has been fully dealt with by the Leader of the

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Opposition and I do not want to repeat the arguments. I find that even the tests which were conducted by the Select Committee, to which the Honourable Mr. Taylor referred, did not prove successful, and for that reason they ought to have delayed this Bill.

I would once more urge the point about the oil being used by the agriculturists for their small machines. Although my friend has given an assurance on this point, I would lay emphasis that at any rate the agriculturists should not be taxed.

With these words, Sir, I submit that I am not in a position to support the measure before the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, before the clauses of the Bill are taken up for consideration I would like to make a few general remarks. I do admit that if there is really any evasion of duty due to some lacuna in the Finance Bill and the Tariff Bill it is the bounden duty of the Government to remedy the flaws and derive the just revenue to the State coffers. But, at the same time, it is our duty to see that the Bill has not been designed against certain Indian companies who are alleged to import diesel oil or light gas oil from Rumania and Russia. Sir, if there be any suspicion on this side of the House it is due to two factors. Firstly, it appears from the Honourable the Finance Member's speech in the other House that the whole agitation of this duty on diesel oil was first raised by the Burma Government influenced by the Burma Oil Companies. If I may be permitted to quote I read it as follows:

"We had a very urgent representation from the Burma Government on this matter which came to us in the course of the Simla session. They say that they have ascertained that the local companies are suffering from a serious disability owing to the importation of gas oils from Rumania and Russia described as diesel oil".

They then go on giving the figures of the differences in duty between that and the excise duty payable on the kerosene. They say:

"The local companies estimate that the cut in Burma production will shortly amount to one-third".

Then:

"The Governor in Council strongly recommends immediate action to remove disabilities. He would view with the gravest concern the diminution of Burma production to the extent feared by the companies with the resultant unemployment in oilfields and disastrous effects on revenue from royalties. He would support the Companies' claim that the customs duty imposed should not be less than the customs duty on imported kerosene. If reports correct, matter is of extreme urgency and the Governor in Council would seriously deprecate waiting till budget session and would urge strongly introduction of necessary legislation during the current session".

In the words of the Finance Member the importation of the oil against which the Bill is designed is about one million gallons a month whereas in his own opinion the drop in the consumption of kerosene oil is about three million gallons a month. The diesel oil that is being imported is mainly for the purpose of fuel in light engines. In the words of Mr. Thampan there are about 20,000 oil engines engaged in irrigation work in South India alone. I know that there are a large number of these engines driven by diesel oil being used in Bengal for the development of cottage industries as well. Sir, there is no gainsaying that those who possess light engines driven by fuel oil admit that the oil against which the Bill is designed is a better substitute as a fuel for the engines than other mineral oils which were in use before. The use of the diesel oil referred to in the Bill gives better power to the engines and increases the

longevity of such machines. That being the case everyone must admit that the bulk of the one million gallons of this oil at present imported is being consumed as fuel oil for engines used both for irrigation and improved methods of agriculture and for the cottage industries. So to my mind at the most a very small quantity of this imported oil is being used for illuminant purposes. Further even this oil can not be used for illuminant purposes in the ordinary table lamps or hurricane lamps as this oil when used for illuminant purposes emits carbon deposits in the form of carbon black. It can only be used by the poorest classes of people for tin lamps without chimneys. Considering all these factors I do not understand how a small quantity of this million gallons of imported diesel oil can displace the consumption of three million gallons of kerosene oil. Further, Sir, much has been made about the new scientific test lamps. Sir, I understand the lamp was exhibited in the Select Committee to which the Bill was referred but no demonstration was shown to the Members to convince them whether the testing lamp will correctly indicate the power of illuminancy of different grades of oil without any manipulation as otherwise people using the lamp may defeat the object for which the lamp is being used. I would further request the Government to make these lamps available to the public by declaring in this House the names of the manufacturers of such lamps and where it is available so that importers of oils themselves may test the oils before importation so that the companies dealing with imported mineral oils may not be harassed by the customs authorities.

**THE HONOURABLE MR. J. B. TAYLOR :** Sir, I find that the criticisms in this House have followed very closely the lines of the criticisms in another place which necessitated reference to Select Committee and which were answered there. They fall into two classes. First, doubts as to the adequacy or efficiency of the test which we propose to apply, and secondly, doubts whether this oil is not in fact used as fuel for diesel engines and that consequently, an increase in its taxation may adversely affect those who employ it for this purpose. Sir, as regards the former, the adequacy of the lamp, it is hardly fair to say that the Select Committee in another place were not satisfied with the test. The object of the lamp is to meet the purposes of the section. The item in the Schedule is "mineral oil which is suitable for use as an illuminant in wick lamps"; that is to say, it does not include anything which will set fire to a rag, as suggested by the Honourable Lala Ram Saran Das, nor any of the other ways in which oil may be made to burn. It is a definite test for use in a lamp with a wick, and the standard lamp is so designed as to ascertain whether an oil will burn reasonably well in a hurricane lantern for a period of four hours. The object is comparative, in order to see that the light so given compares favourably with the light of other oils which are at present taxed as illuminants. It is not an absolute test, it is a comparative test. If the light given by this oil is the same both as to brilliance and duration as the light given by oils taxed at the higher rate, then it is reasonable that it also should be taxed at the higher rate.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Are you fixing any particular candle power for test illumination purposes ?

**THE HONOURABLE MR. J. B. TAYLOR :** We are fixing no particular candle power. The test is a comparative one. At present certain types of oil are being taxed as illuminants and if the test of this lamp shows that the imported oil gives an equally bright flame of equal duration, then it is obviously reasonable two should pay taxes on the same footing. Otherwise one will compete adversely with the other.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Do we understand that the candle power given by the right sort of kerosene oil lamp will be the standard candle power ?

**THE HONOURABLE MR. J. B. TAYLOR :** May I read, Sir, in this connection from the remarks of the Select Committee in another place. They said :

" It was explained that Government have no intention of fixing the standard in such a way as to apply the new duty to oils that are inferior as illuminants to the lowest grades of oil which are at present liable to customs or excise duty at the rates prescribed for kerosene ".

I think that meets the point raised by the Honourable Member, and in that connection I will just clinch the discussion on the point that the Select Committee in another place were not satisfied as to the test. I will again quote from their report :

" The second point on which apprehensions were expressed was the nature and the adequacy and impartiality of the test by which ultimate liability to the duty as illuminant oil will be decided. We are assured that the standard lamp to be used is an instrument approved by technological experts for the purpose, and that adequate provision can be secured by the rules prescribing the manner of making the contemplated tests to still such apprehensions. We note further that in the event of any dispute the importer will be able to take advantage of the provisions relating to appeal and revision that are embodied in the Sea Customs Act ".

That answers the point of the Honourable Mr. Banerjee. Rules will be framed by the Central Board of Revenue and will be available to the public and they will have full opportunity of disputing any decision which they do not consider conforms with the wording of the Schedule.

I now turn to the second point, that this oil, if taxed at the higher rate, will adversely affect the interests of the agriculturists and others who use it for diesel engines. In the first place, Sir, I think that we must dismiss as irrelevant any general question relating to the pitch of taxation on illuminants or oils generally and the much more general question as to how far there is competition between the various oil interests. I think it is obvious, whether there is or there is not competition, that it is not fair for Government to subsidise one particular type of competitor at the expense of its own revenues by allowing that particular competitor to import oil at an improperly low rate. But that, Sir, is not an issue in point. The point with which we are concerned is how far, if at all, the higher taxation of this oil will adversely affect its use in diesel engines. Sir, a good deal has been said about this by Honourable Members opposite, and, as I said, Government are quite prepared to watch carefully whether there are any such effects ; but we do not think that there is any likelihood of there being any such effects because, as I pointed out, up till 1930 when this oil was introduced the Indian market went on quite contentedly with the oil which it had for those engines. Since then there has been this large increase in the imports of this oil without any corresponding increase in the imports of diesel engines. Unless therefore new diesel engines have sprung up from some mysterious internal source to consume this oil—it seems to stand to reason that this oil is being used as an illuminant and not as fuel for diesel engines ; but we admit the hypothetical possibility and we are prepared to watch to see if there is any evidence of it.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:** Will you be prepared to allow refunds of this extra duty on the *bona fide* declaration of agriculturists or industrialists on the consumption of light diesel oil?

**THE HONOURABLE MR. J. B. TAYLOR:** I am afraid that any such proposal would be administratively difficult. Before I sit down, I should like to deal with one minor point raised by the Honourable Lala Ram Saran Das and that was about the taxation of Attock oil. There I am afraid I could not quite follow him. Attock oil, as I understand it, which is used for diesel engines is not subjected to any excise duty at all and it is not proposed to impose any duty upon it merely because we are imposing this additional duty.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:** What I said was that as the price of Attock oil is based upon the price of imported oil f. o. r. Karachi, in case the price of imported oil is increased at Karachi the price of Attock oil will be automatically increased. The public will get no advantage in price at all from the use of Attock oil.

**THE HONOURABLE MR. J. B. TAYLOR:** That, Sir, is not my recollection of the question the Honourable Member originally asked. In any case I do not see how it is a matter with which Government could deal. As I said, it relates to the broader question of competition which is not relevant to this particular issue.

Sir, I trust that I have now satisfied the House on the two points, first, as regards the adequacy of the test, and secondly, as regards the unlikelihood of any adverse effects on the owners of diesel engines and for that reason I commend the Bill for consideration.

**\*THE HONOURABLE SIR KURMA VENKAIA REDDI (Madras : Nominated Non-Official):** May I speak on a point of procedure, Sir?

**THE HONOURABLE THE PRESIDENT:** You are not entitled at this stage to address the House.

**THE HONOURABLE SIR KURMA VENKAIA REDDI:** I wanted to raise a point of procedure with your kind permission, Sir. I do not exactly know whether this is the stage and that is why I seek your permission. Under Standing Order 38 when a motion is made for the consideration of a Bill that has been passed in another House it is open to Members of this House to ask for the question being referred to a Select Committee. I do not rise to ask for that privilege at this stage or for this Bill. Sufficient case has been made out by the Government as regards the urgency of the measure and after hearing the Honourable Mr. Taylor I am certain that no Member of this House will be inclined to ask for that; but as a general principle, Sir —

**THE HONOURABLE THE PRESIDENT:** But you are making a speech now. I am afraid I cannot permit you to address the House. You are not raising any point of order.

The question is :

“That the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.



THE HONOURABLE THE PRESIDENT: The question is :

“That clause 2 stand part of the Bill.”

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadan): Mr. President, my object in tabling this amendment—

THE HONOURABLE THE PRESIDENT: Will you please move your amendment first and then address the House?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Sir, I beg to move :

“That in sub-clause (1) of clause 2 of the Bill, in the Item 40B, for the words ‘Two annas and three pies’ occurring in the last column the words ‘One anna’ be substituted.”

Mr. President, my object in moving this amendment is that since the Bill has been passed by the Lower House and some substantial grounds are advanced for bringing this measure as an urgent one before this House and sufficient reasons also are put forth by several Honourable Members in justification of passing this measure, I thought I should just bring to the notice of this Honourable House that this is a measure which is going to affect a very large number of poor people, and so this duty which is going to be imposed on this oil might at least be reduced. The chief reason for this oil coming into competition with kerosene oil is said to be that this can be extensively and increasingly used as illuminant and so it competes with the duty-paid inferior kerosene. But what is the quantity so used for the past several years and what is the exact amount of loss under this particular method of using this oil as an illuminant is not forthcoming either in the statement of objects and reasons or in any enquiry which the Select Committee has conducted. It appears that the conclusions are based more upon inferences than upon observations and facts and figures. I do not deny that those inferences may be correct to some extent. Generally the practice so far adopted by Government in measures of this kind is that the matter is referred to some inquiry, official or non-official, or to the Tariff Board, as this measure cannot be counted as otherwise than a taxation measure. On all hands it is admitted that this will be a tax on the poor. We all know what is the present state of things in our country. Further it is admitted that the users of small oil engines who are agriculturists and cottage industry workers, would be put to extra expense by this duty. No doubt sympathies are expressed on all sides for these people who are affected by the enactment.

First, let us consider the position of the poor people who use this oil as an illuminant. Those people before the advent of kerosene were using a simple harmless healthy lamp using the cheapest different vegetable oils available locally. The kerosene oil when introduced was found cheap and so gradually began to be used by all. Then prices of oilseeds were gradually rising, so economically kerosene became handy. Subsequently, kerosene prices rose gradually on account of the raising of the duties and the combination of oil companies and other causes. The price of kerosene has now come to nearly the same level as the price of some of the old vegetable seed oils, especially on account of the depression for the past several years. It is nothing but the present economic distress which drove these poor people to use these cheaper oils in order to keep their existence. This use of very low oil will surely impair their health and especially their eyesight, if it is kept up for long. Even the light would not also burn long due to excessive carbon.

12 NOON.

The position, I submit, is the same with regard to the small oil engine users. They have been put to so much difficulty in the course of some years since the small oil lamps came into use, there are different kinds of oil, called crude oil or liquid fuel which do not agree in the standard of their specific gravity or their flash-point. These used very often to give trouble in the engine. Honourable Members will have experience of these matters if they have had an opportunity of using these small power engines. These engines are erected in out of the way places where men of technical skill are not easily available and therefore much inconvenience is caused. I have had personal experience in this matter. These oils, owing to their very nature and composition and the Companies apportioning themselves the territories of our country for supplying with different kinds of oils, the oil engine makers designing their engines to suit the different oils, and in this way the oil engine users have been put to considerable difficulty. The advent of other kinds of oil which were found to be a little light came in to some extent to solve these difficulties in many places, and so these oils were found to be very useful for the benefit of the oil engine users of small power engines. These users are mostly agriculturists and cottage industry workers all existing in out of the way places.

Well, Sir, the Government have got technical experts. It is not a very difficult matter for Government to have regular tests of the quality of these oils and then fix a certain standard of tax instead of imposing hastily a tax now without sufficient justification and data. Consideration of the matter later after passing the Bill with the help of their technical experts and further experiments with oil lamps will not, I think, help very much.

The Honourable Mr. Taylor said that the members of the Select Committee were shown only the lamp but at the same time he said that they were not satisfied with the test of the lamp. I do not know how these two statements will coincide?

THE HONOURABLE MR. J. B. TAYLOR: Sir, on a point of personal explanation. What I said was that the Select Committee were shown the lamp, but they were not given an actual demonstration of the lamp in use. Their comments are in the report and they seem to me to show that they were satisfied.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Yes, Sir, we know what value to attach to the comments made and the able drafting of that report, but it is more the proof required of the experiment by making the lamp burn for some hours, then only will the Members be in a position to judge. We are asked to await further results of the test or to the opinion that will be given by the Customs official. We do not know what will be the position and how the people who are chiefly affected by this will have any voice in understanding that test and put before Government the hardship that will be caused by the substitution. Any increase in the quantity of this oil can be very well understood by the increased use of small engines which have begun to use this light oil more for that purpose than for lighting purposes. If at all there is any use made by the poor people for lighting purposes it will not be to a very appreciable extent.

Well, Sir, in these oil prices, so far as I was able to know from our own colleagues in the Council and the Assembly, we have not been provided with sufficient information with regard to the working of the companies and the prices fixing and how any method can be found to reduce the prices of this

[Mr. V. C. Vellingiri Gounder.]

oil. In the Assembly many amendments have been moved similar to the amendments I have tabled but unfortunately I did not see that any of them have come in for favourable consideration at the hands of the Government.

**THE HONOURABLE THE PRESIDENT:** The Honourable Member must remember that he is addressing the House on the amendment.

**THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER:** In giving relief to the oil engine users and small cottage industry people many amendments were made for giving facilities to get a rebate upon the prices of oils used for engines but for that no remedy was given in the Bill and now I am sorry to hear that according to the Honourable Mr. Taylor difficulty will be found in administering the Act in granting rebates and so their future position also has no hope of rebates.

The figures of import given and difficulties pointed out by the Leader of the Opposition, the Honourable Rai Bahadur Lala Ram Saran Das, go to prove that nothing affects the import of Burma oil or other oils which have been imported for several years. On the other hand, although any slight interference by other companies in this combination will give our country only a small reduction in the price, and that after some time, the price is bound to rise by some means or other and so there is no hope even for the poor people who use these very inferior and very unhealthy oils for escaping from higher and higher taxation. So, I submit it will be very hard on the users of low paid oil, who are poor people, and on the small oil engine users, who are mostly agriculturists and people attached to village cottage industries. So, I would urge the House to reduce this taxation by Rs. 0-1-3 and bring it down to Rs. 0-1-0.

With these words, Sir, I trust the House will be pleased to accept my amendment.

**THE HONOURABLE MR. J. B. TAYLOR:** Sir, I confess that I am somewhat in the dark as to the precise reasons of the mover of this amendment for suggesting this particular rate of duty. It seems to me that his speech made out an eloquent case against any change at all, in other words, against the Bill as a whole. Once the principle of the Bill has been accepted, it seems to me entirely illogical that the duty should be raised to an extent which, when read with the other amendment, would bring the total, that is, the initial duty *plus* the surcharges, up to 2 annas, thereby still giving this oil a material preference as against the equivalent Burma red kerosene which is subject to an excise of Rs. 0-2-9 $\frac{1}{2}$  or as against imported kerosene which is subject to a duty of Rs. 0-3-9. In other words, it seems to me that these amendments are an illogical half-way house which would make the worst of both worlds. For these reasons, Sir, I oppose the amendment.

**THE HONOURABLE THE PRESIDENT:** Amendment moved :

“ That in sub-clause (1) of clause 2 of the Bill, in the Item 40B, for the words ‘ Two annas and three pias ’ occurring in the last column the words ‘ One anna ’ be substituted. ”

The question is :

“ That this amendment be made. ”

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 3 stand part of the Bill."

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: I do not propose to move my amendment,\* Sir.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 3 stand part of the Bill,"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I move

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I do not like to speak at this stage of a Bill, but I want to protect the interests of the agriculturists and the industrialists who are now using the light diesel oil. It is well known to all people concerned that in the diesel oil engines, there is so much consumption of this light diesel oil per brake horse power per hour and so for the *bona fide* consumption of this oil on diesel oil engines Government can always come to a very approximate figure. In case Government are keen and do mean to protect the industries and agriculturists and do not want to discourage them, then the only way to show their intention in practice is to give refunds of extra duty on *bona fide* oil used by them. That can be arranged, and that is fair, equitable and possible and ought to be done.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

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\* "That in clause 3 of the Bill, in the Item 40B, for the words 'Nine pies per Imperial gallon' occurring in the last column the words 'Six pies per Imperial gallon' be substituted."

**THE HONOURABLE THE PRESIDENT :** Honourable Members, I also desire to associate myself with the Honourable the Leader of the House and the Honourable Mr. Taylor in the expression of regret which they have made for the inconvenience and trouble caused to Honourable Members in having to come here from long distances for attending two meetings only, but you have the satisfaction to know that your presence here was inevitable and that you have been in a position to put on the Statute-book a Bill which will save heavy losses to the Government of India. I have nothing further now to say but to wish you all a pleasant and safe journey home and to wish my European colleagues all the compliments of the season.

The Council will now adjourn to a date which will be communicated hereafter by circular.

The Council then adjourned.

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